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GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The late Mr. Chester Jones.

THE SUDDEN DEATH of Mr. CHESTER JONES has deprived Bow Street of one of the most humane and enlightened of magistrates. He had been fifteen years on the stipendiary bench: his natural modesty and absence of any self-assertion had prevented his name from being widely known, but all who practised before him agreed in esteeming his cheery kindliness, his friendly helpfulness, his extraordinary patience in hearing all that anyone had to say, his self-evident desire to be humane and just, his liberal and enlightened mind. He was one of the few official lawyers who made a real effort to keep abreast of enlightened modern opinion on criminology, the reformatory aspects of punishment, the psychology of the prisoner, and the mental neurosis which so largely explains and palliates criminal acts. He was valued by the Home Office and frequently employed as a special Commissioner to hold public enquiries. His death is a real loss to the magisterial bench.

The Withholding of the Solicitors' Remuneration Report.

IT APPEARS from the report of the Annual General Meeting of the Law Society, which we give elsewhere, that the Report of Mr. Justice RUSSELL'S Committee on Solicitors' Remuneration is still unpublished, and that there appears to be no prospect of its being published. Instead, a Bill has been prepared by the Government draftsman, and submitted to the Council, but the Bill also is unpublished. On being pressed for information the President said that the Council had not had access to the draft Report, but if the Report is still in draft, how comes it to have been sent to the Lord Chancellor? They had only had access to the draft Bill, and that carried out all their needs, with one addition, which he thought would be got rid of. The position is, of course, extremely unsatisfactory. The question of remuneration was considered and a report made by the Liverpool Law Society some years ago, and that has been the foundation of subsequent discussion. When the matter was referred to Mr. Justice RUSSELL'S Committee it was generally assumed, we

imagine, that the Report of that Committee would be published in the usual way, so that the opinion of members of the profession could be given upon it. Instead of that, the whole matter is to be settled between the Lord Chancellor and the Council of The Law Society without either the profession or the public having any opportunity of knowing the finding of Mr. Justice RUSSELL'S Committee. Of course the Bill when in Parliament will be open to criticism, but that does not excuse the withholding of the Report. As we have said, this procedure is extremely unsatisfactory.

Counsel and Solicitors.

IT IS SINGULAR that no progress is made in the negotiations between the Bar Council and the Law Society as to fees to counsel. The difficulty arises from the fancy fees paid to some leading counsel which automatically carry two-thirds for the junior. It is suggested that in such cases 50 per cent. should be regarded as a special fee, and the remainder as the ordinary fee on which the junior's proportion would be reckoned, but we do not see that this would be satisfactory. It by no means follows that 50 per cent. would be in fact the ordinary fee. The whole position is, of course, anomalous, and it would be better to face it squarely and decide whether the proportion of junior to senior fees is to be maintained, and if so, on what ground, than to evade it in the artificial manner suggested. With regard to non-attendance of counsel, this is a matter which is usually met by arrangement with, or forbearance of, the judge and opposing counsel, but there must be a limit to such arrangements, otherwise the work of the courts would be thrown into confusion. A motion that in such cases the solicitor should be allowed to be heard was, after considerable discussion, carried by fifty to forty-eight. It will be observed that this leaves it optional with the solicitor, and, of course, he could not be expected to undertake the obligation of advocacy in such circumstances.

The New Solicitor-General for Scotland.

THE APPOINTMENT of Mr. WILLIAM WATSON as Solicitor-General for Scotland is another instance of the way in which great legal families continue to produce eminent advocates. For the new Solicitor-General is the son of "the great Lord WATSON," who for nearly twenty years was Lord-Advocate and then for another score or so of years one of the Law Lords. Lord WATSON was the greatest Scots advocate of the Victorian era. His only possible rivals were the mighty and formidable DEAR (afterwards Lord DEAR), Lord-Advocate GRAHAM-MURRAY (now Lord DUNEDIN) and BLAIR-BALFOUR, the late Lord-President of the Court of Session. As a scholarly lawyer Lord WATSON was equally great and his extraordinary quickness of mind showed itself in the mastery of English Law—to him a foreign system of jurisprudence—which he acquired after his promotion to the House of Lords. His masterful personality, due to mental vigour, not physical impressiveness, his extraordinary keenness of intellect, his robust eccentricity of manner, accent and style of address—these will be remembered by those practitioners who appeared before him and still survive among us. For his sake, as well as on personal grounds, the new appointment will certainly commend itself to both Scots and English lawyers.

The Solicitors Bill.

ON FRIDAY of last week the Attorney-General moved the Second Reading of the Solicitors Bill in the House of Commons, and though ultimately it was read a second time and committed to a Standing Committee, very considerable opposition to it was shewn. The Bill contains two principal clauses—Clause 1, which repeals s. 10 of the Solicitors Act, 1877, and substitutes new conditions of exemption from the Preliminary Examination, and Clause 2, which, in general, requires "attendance at a course of legal education at a law school" as a condition for admission to the Final Examination. The Bill is the Bill of the Council of the Law Society, and we wish some members of the Council had exercised a little supervision over the draftsman. The Bill would not then have spoken of "a honorary degree"—a collection of words as ungrammatical as difficult to pronounce—and it would not have described barristers as persons who have "been called to the degree of utter barrister." We are aware that such a term as "utter barrister" is to be found in the books, indeed, it occurs in sect. 10 aforesaid. But what is meant by "degree of utter barrister" we do not know. Is it U.B. or what? At any rate, the phrase is not English now. And Clause 9 speaks of the Act as "applying" to certain universities. Of course it does not apply to universities at all. It applies to applicants for admission as solicitors, though incidentally it allows the degrees and matriculation examinations of certain universities to exempt from the Preliminary Examination. But why refer to an honorary degree at all? The idea is that a person who has received such a degree is not fit to be excused. Who, we wonder, are the persons who receive honorary degrees at Oxford or Cambridge or Manchester or elsewhere, who, if they want to become solicitors afterwards, must be examined in the rudiments of education? Really there are limits to the ridiculous. And, indeed, if passing matriculation exempts, why trouble to give exemption to a degree. The Bill certainly calls for revision in the Standing Committee.

Theoretical and Practical Training for Lawyers.

BUT THE ABOVE are formal matters. The real opposition in the House of Commons was to Clause 2, the compulsory attendance at a Law School. At an early stage in the debate the Attorney-General said he cared nothing about the clause; it was the clause of the Law Society; but later he explained that all he meant was, it was not a Government clause, and it was a matter for the profession—meaning no doubt the branch of the profession to which he does not belong. The objections made to it were two-fold, in the interest of managing clerks and of articled clerks in country offices. Under s. 4 of the Solicitors Act, 1860 (which by the way is not included in the Schedule of Repeals in the Bill) persons who have been *bonâ fide* clerks for ten years, can be admitted after three years' service under articles. This means that managing clerks, whose competence has been shown in actual practice, have the right to facilities for getting on to the Roll, but under the Bill they will have to comply with the requirement of attendance at a Law School unless exempted under the discretionary power of exemption given to the Law Society. Similarly, clerks in country towns will depend for exemption on the same discretion. Apart from these particular objections, the Bill raises the general question of the real utility of the theoretical training in law schools over the practical training in the office which has been much discussed of recent years, and more in the United States then here. The true answer probably is that the Law School training raises the general standard of the profession, though for practical purposes it may not be superior to the training obtained in a good office.

Loss of Passengers' Luggage.

NOT LONG AGO the decision of the House of Lords in *London and North Western Railway* v. *Neilson* (*ante*, p. 502) was discussed in these columns (*ante*, p. 570). In that case, it will be remembered, the properties of a travelling theatrical company were being conveyed by the railway company under the terms of a consignment note. There has, however, been another decision, relating to the carriage of goods by rail, under somewhat different conditions, and it seems to indicate a somewhat unsatisfactory state of affairs which has, apparently, never received exhaustive consideration. In *Ehinger* v. *South Eastern & Chatham Railway Co. & Another* (*ante*, p. 633) a lady, who was travelling from Paris to London, bought a ticket, while on board the steamer, for a seat in a Pullman car on the train, which was to convey her from Dover to London. This ticket affected her with knowledge that the Pullman Car Co. Ltd. (which was a separate company from the railway company) would not be responsible for any articles of luggage which she might take into the Pullman car.

On landing she arranged for a porter to carry a suit case belonging to her and containing valuables to the Pullman car. She wished to retain it on the journey, but it was placed, against her will, in one of the vestibules of the car in which she was travelling. On her arrival in London it was found that the suit case had disappeared, and in the action which she commenced against both companies, while the Pullman Car Company, in view of the condition on the ticket issued by them, was held not liable for the loss, it was decided that the railway company was liable as a common carrier in respect of the suit case, their duty, under the circumstances, being to convey the suit case, after it had been handed to their servant at Dover, to London and then to deliver it to its owner. This case brings to notice the fact that passengers are, to some extent (perhaps to a greater extent than many of them realise), protected against the theft even of their hand luggage, but possible pecuniary compensation is no doubt frequently totally inadequate in the case of personal valuables.

A Defective System and a Remedy.

IN THE INTEREST both of railway companies and passengers it would seem to be time that steps were taken to alter the present slip-shod method of dealing not only with heavy luggage but also with any luggage which the passenger is not allowed to retain on a railway journey in this country. It seems absurd that such scenes should be possible as those which are to be witnessed at large termini, where, on the arrival of a full train, passengers jostle against each other and against the company's servants in their efforts to identify their property, before or after it has been taken out of the luggage vans. The inconvenience, nervous exhaustion, and opportunities for systematic robbery, entailed by such methods, might, it seems, so easily be avoided if the system adopted in various other countries were to be put into practice. When a passenger registers his luggage from London to places abroad, he probably feels little anxiety about its due delivery, whereas, when he travels without such a ticket between two places in England, he may experience very great difficulty in adducing the necessary evidence in case of loss, and no luggage should be taken out of the control of a passenger except in exchange for a ticket on the presentation of which, at his destination, the luggage would be delivered to him. The most serious objection which an insular traveller could conceivably raise against the adoption of the continental system seems to be that he might have to spend more time in the stations of departure and arrival than he does under the present haphazard system, where if he dashes into a small country station as the train is leaving, he can still hope to catch it. But, surely, the obvious answer to this objection is that he must leave his house earlier!

Commission on Sale of a Ship.

Mr. Justice MCCARDIE had a point of great every-day importance before him in *Howard Houlder and Partners, Limited* v. *Manx Isles Steamship Company Limited* (*Times*, 27th June). The question concerned the right to commission where the exact service stipulated for has not been performed, although a somewhat different service has been rendered; it arose in the case of shipping agents and brokers selling a ship, but the principle elucidated in the judgment of the learned judge applies equally to any normal case of commission agency. In 1913 the agents effected a seven years' charter of a ship for the owners; the charter period was due to expire in October, 1920. In the autumn of 1919 the agents negotiated with business associates of the charterers for renewal of the charter to them on its expiry. There was a proposal that the latter should purchase the vessel on the expiry of the charter; this went off upon the question of price. Then there was a proposal for a renewal of the charter. Finally terms were agreed, and the charter was renewed to the parties in question. It was renewed for a period of five years, and the new charter-party gave the charterers the option of purchase for £125,000 at any time during the charter period. A bargain was made between the agents and the owners as to the firm's commission, which was expressly stated in writing to be 5 per cent. brokerage on the hire, and, in the event of the option of purchase being exercised, 3½ per cent. on the purchase price. All this appeared in the commission note. As events fell out, the charter-party was terminated by mutual agreement of owners and charterers after only eight months, and the owners sold the ship to a different purchaser at a different price. Now unnaturally, the agents claimed that they should receive commission on this purchase, or alternatively, commission on the hire they would have earned had the full period of five years been lived out by the charter. They could not set up that the sale effected was the exact one contemplated in the commission note; it was not. But they claimed on a *quantum meruit*; they had effected a hire with option to purchase, and for this they should be paid at a fair rate, even if the bargain went off. In natural justice and equity the claim seems a strong one; but against it there is a line of authorities showing that, where an agent makes an express bargain, giving him remuneration in certain events, which do not happen, that bargain excludes the claim to a *quantum meruit* which he would have possessed at common law. Such well-known cases as *Alder* v. *Boyle*, (1847, 4 C.B. 635), *Clack* v. *Ward* (1882, 9 Q. B. D. 267) and *Martin* v. *Tuckett* (1885, 1 Times L.R. 655), where Lord Chief Justice COLERIDGE delivered a powerful judgment, put this rather hard rule beyond doubt. There is no *via media* between exact performance of the agreed service and no performance at all. As regards the claim for commission on hire during the rest of the charter period, of course, the recent House of Lords decision of *French* v. *Leeston Shipping Company Limited* (1922, 1 A.C. 451), has knocked that on the head. Contractors are not bound to keep a contract in existence merely in order that an agent may get his commission.

Trust Corporations.

WE HAVE RECEIVED a new and revised booklet describing the objects and functions of the London, City & Midland Executor and Trustee Company, Ltd., which has recently made a considerable increase of capital. Since the company is practically a branch of the bank it affords the advantage of continuity of existence and of security and expert administration which are the characteristics of companies of this kind, and their utility will be increased when the Law of Property Act comes into force in consequence of the special facilities for the transfer of land which will exist when the purchase money is paid to a trust corporation. This is a development which may have considerable practical effect. It is still necessary for sifch corporations to take power to charge under the settlement or will instead of having a statutory right like the Public Trustee. We have suggested that such right to charge should be given by statute, but at present this has not been acted on. The want of power to charge may be an impediment to a bank or other trust corporation being appointed a new trustee. In the case of the London City & Midland Bank the fees are fixed at the time of appointment, and are not subject to subsequent variation.

The Law of Property Act, 1922.

I.

LEGAL AND EQUITABLE ESTATES.

THE Law of Property Act is now on the statute book and, so far as can be foreseen, it represents substantially the changes which will actually come into operation on 1st January, 1925. Considering the extent of these changes, and also the alteration which has yet made in the form of the legislation to give effect to them, and to some extent, probably, in its substance, it is not too soon to attempt a detailed examination of the whole legislative scheme. There has been a tendency on the part of the promoters of the Act to minimize the extent and effect of the changes which it makes. Thus the Memorandum prefixed to the Bill says:

> "It is a profound mistake to suppose that a lawyer will have to go to school again to re-learn his law if the Bill is passed, for he already knows the simple law relating to stocks and shares, which is applied with such adjustments as the inherent nature of the property renders necessary. He should welcome the fact that he will be able to ignore a mass of law and mystery which is rendered obsolete, for one of the objects of the Bill is to enable transactions to be carried out in such a way that a business man can understand them."

This repeats the common fallacy that there is, or can be, a close analogy between the transfer of stocks and shares and the transfer of land, and the ordinary reader would assume that such adjustments as the inherent nature of the property renders necessary were casual and trivial, whereas in fact they are permanent and fundamental. The conveyancer knows better, and he appreciates that while in many important respects the Act makes for simplicity, yet the changes which it effects are, in the main, changes in machinery, and the real object of the Act is to discard the old machinery and substitute for it machinery based upon a more convenient plan. And as regards the mass of law and mystery which is rendered obsolete, it must be remembered that it is not going to become obsolete on 1st Jan. 1925. That date will mark the beginning of the new system, but it will be many years before the old learning can be discarded by the practitioner and left to the antiquarian. The immediate effect will be to increase very substantially the law which the student requires to learn and which the practitioner requires to know. We say this not by any means by way of objection to the Act. It is a difficulty incident to any profound change in conveyancing practice, and sooner or later it has to be faced. And, indeed, our object in these articles will be in the main to explain, so far as we can, and not, save only incidentally, to criticize. But it is as well to state at the beginning what are the real facts of the change and what is the outlook for conveyancers.

Of the many important features in the Act, one of the most striking is the new relation it establishes between legal and equitable estates. Estates in land were invented for the purposes of conveyancing and settlement some 800 years ago, when the feudal system was ceasing to serve its original purpose, and the old real property lawyers, whose work was systematized by LITTLETON, invented what is called in POLLOCK and MAITLAND'S History of English Law (Vol. II, p. 11), "that wonderful calculus of estates which even in our own day is perhaps the most distinctive feature of English private law": see "The Laws of England," Vol. XXIV, p. 145, note (*i*). And when the Court of Chancery intervened to protect trusts and the interests of mortgagors, the same calculus was applied to the equitable estates which resulted from this intervention. "The law is clear," it was said by JEKYLL, M.R., "and courts of equity ought to follow it in the judgments concerning titles to equitable estates, otherwise great uncertainty and confusion would ensue": *Cowper* v. *Cowper* (2 P. Wms. p. 723). There were some exceptions, indeed, but that was the general rule. Equity followed the law, and the same limitations that had been invented for legal estates were applied to equitable estates. And even where this ran counter to the intentions of the parties and worked manifest injustice, the Court of Chancery forgot the true nature of equity and adhered to the rule. Quite recently, indeed, the Court of Appeal held in *Re Bostock's Settlement* (1921, 2 Ch. 469) that the rule requiring words of limitation to give a fee simple estate must be applied as strictly to equitable as legal estates. And the rules which the Court of Chancery applied to trust estates applied also to a mortgagor's equity of redemption. This was not a mere right to redeem, but conferred upon him an estate in the land: *Casborne* v. *Scarfe* (1 Atk. 603).

There was the possibility that this division of estates into legal and equitable would be abolished by the Judicature Acts. It was suggested that it could not survive the fusion of law and equity. But fusion, so far as it was really intended, had a quite different purpose. It was a fusion of procedure, not a fusion of rights, even though they had their origin merely in procedure. "The Court," said Earl CAIRNS in *Pugh* v. *Heath* (7 App. Cas. p. 237), "is now not a court of law or a court of equity; it is a court of complete jurisdiction." And JESSEL, M.R., rejected entirely the idea of fusion: "It was not fusion, or anything of the kind; it was the vesting in one tribunal the administration of Law and Equity in every cause, action or dispute which should come before that tribunal": *Salt* v. *Cooper* (16 Ch. D. p. 549). And that the distinction between legal and equitable interests had not been abolished was emphatically affirmed by the Court of Appeal in *Joseph* v. *Lyons* (15 Q.B.D. 290, 287).

But legal and equitable estates which, as separate interests, survived the Judicature Acts, and which, in accordance with the rule that equity follows the law, had in the main the same incidents as regards limitation, so that estates in fee, or life estates and remainders existed equally in each, are now to be on quite a different footing. The rule that equity follows the law is, as regards the limitation of estates, abrogated, and the possible legal estates are restricted to the fee simple and a term of years absolute, while the old "calculus" remains as to equitable estates, and in these there can still be life estates and remainders. Moreover, since all such limited and future estates will be equitable, they will be subject, in such matters as the acceleration of future estates by the failure of a prior estate, to the rules applicable to equitable interests, and it ceases to be important to consider whether *Re Scott* (1911, 2 Ch. 374), on legal limitations, was correctly decided, or whether the more elastic rule in the case of equitable limitations (*Re Willis*, 1917, 1 Ch. 365; *Re Conyngham*, 1921, 1 Ch. 491) should be applied. This is an instance of the simplifications which will result from the Act.

But even more interesting is the new value which is given to equitable estates. Hitherto these have arisen either under trusts or mortgages. Henceforth a new statutory class of equitable estates is introduced. All life estates and remainders which now exist as legal estates are deprived of this character, and are converted into equitable interests. Thus section 1 (1), after enumerating as permissible legal interests—(*a*) an estate in fee simple in possession; (*b*) a term of years absolute; (*c*) easements for a like estate or term; (*d*) a like estate or term in minerals or surface separately; (*e*) a rent-charge perpetual or for a term; (*f*) land tax, tithe rent-charge, and other charges not created by an instrument; and (*g*) rights of entry in respect of a legal term of years or a legal rent-charge—provides:—

> "And all other estates, interests and charges in or over land (including fees determinable whether by limitation or condition) which at or after the commencement of this Act were, or but for this section would have been, legal estates, interests, or charges, or capable of taking effect as such, are hereby converted into or shall take effect as equitable interests."

There will thus be a large class of interests which are not equitable interests in the original sense—that is, they do not arise under trusts or equities of redemption—but which become equitable interests by statute. What position these statutory equitable interests will hold it would be premature to say. In a sense by becoming statutory they become legal, but this, of course, is not the intention of the Act. But just as certainly they are not the interests which grew up under the protection of the Court of Chancery. This is the first point, and a very important one, in which the scheme of Real Property Law will have to adjust itself to the innovations of the Legislature.

(To be continued.)

Mr. A. E. Messer, 14 Old Jewry-chambers, E.C.2, in a letter to *The Times* (5th inst.) writes: One aspect of Clause 14 of the Finance Bill seems to have escaped attention—namely, that it is directly opposed to the fundamental principle on which joint stock companies are formed. By the Companies Act of 1862, an association of seven or more persons could constitute themselves into a corporation with a separate entity through which the individual members acted, and apart from which they were not recognized except in domestic matters. The growth of joint stock company enterprise under that principle is a matter of history, and so successful was it that in 1907 Parliament extended its scope by providing for the formation of private companies, which two individuals were sufficient to constitute. Now it is proposed to legislate on a directly contrary basis, and the Special Commissioners are to have power, for taxation purposes, to split up the corporation into its component parts. Where will this end?

Severability of Frustrated Contract.

A novel aspect of the doctrineof "frustration of contract," which underwent so striking a development and re-statement during the war, came before Mr. Justice McCardie, and ultimately before the Court of Appeal, in the recent case of *Larrinaga and Co.* v. *Société Franco-Americaine Des Phosphates De Medulla* (38 Times L.R. 739). The question which arose was whether the doctrine of "frustrated adventure" is a hard and fast rule which must be applied to a single contract in its entirety, so that the whole contract either stands or falls, or whether it is admissible to divide up the contract into separate stipulations, some of which will fail on account of "frustration" and some of which will remain capable of being performed, and, therefore, must be performed. The latter view was taken by the court, and the reasoning by which it was arrived at is very interesting.

Whatever the origin of the general doctrine may be, it must now be regarded as settled law that the "frustration" or otherwise of a contract which has become impossible of performance legally, commercially or physically, does not depend on any overriding principle that "*Lex non cogit ad impossibilia*"; it is due entirely to an implied condition, based on the presumed intention of the parties, that performance is to be excused in certain cases which may or may not arise. This must be regarded as the clear result of three recent decisions, two in the House of Lords, namely, *Tamplin's case* (1916, 2 A.C. 397), and *Bank Line* v. *Capel* (1919, A.C. 435), as interpreted and explained by a third decision, one of the Court of Appeal, *Comptoir Commercial Anversois* v. *Power, Son & Co.* (1920, 1 K.B., 868), when a careful summary of the authorities was made. The ground of the principle, as now applied, may be said to rest on a threefold basis:

(1) Where the parties have not provided for an unforeseen set of contingencies, the court must enquire what provisions they presumably would have made, had they foreseen it: but it is not at liberty to make any such presumptions when foreseen and provided for;

(2) Where the court has to make this presumption of intention, it will presume that the parties would have provided reasonable conditions, including the automatic termination of the contract upon frustration of its purpose, where such termination is (*a*) unforeseen, and (*b*) reasonable;

(3) When such termination is presumed, then it must happen automatically, and it is not open to either party to elect to let the contract continue (per Lord Sumner in the *Bank Line Case, supra*, at p. 454).

These three rules, it is submitted, appear from the decisions quoted, and are the lines upon which the application of the doctrine turns.

How, then, do these rules operate when it is suggested that a contract is not wholly "frustrated," but only partially so, as the result of an unforeseen event not warranted by either party, nor due to either party's default? They apply in this way. The parties have placed in one contract a number of stipulations which either are indissolubly attached to one common and indivisible consideration, or else are capable of being referred to separate and independent considerations, although the parties have not thought of making the contract severable, because the idea of its frustration was not before their minds when they entered into it. In the former case, where the consideration is substantially as well as nominally indivisible, then the whole contract must be frustrated when one essential stipulation is frustrated. But in the latter case, the whole contract need not be so frustrated; although the parties have made it indivisible, they might have so framed it as to be a synthesis of severable stipulations, each referring to its own appropriate consideration; and, since this is reasonable, they must be presumed to have intended such a severance of the contract in the event, which was not foreseen, of frustration arising which need not be more than partial. That being so, there is an implied condition, to be read into the contract, providing for its severance into items upon the happening of the unforeseen event which frustrates one or more of those items, and for the termination of the items so frustrated but not of the rest. Such is the rule laid down by the majority of the Court of Appeal, (Bankes and Scrutton, L.JJ.), in the case of *Larringa and Co.* v. *Société Franco-Americaine Des Phosphates De Medulla* (*supra*). But, frankly, this rule seems to amount to the stupendous doctrine that, where parties have not provided for certain events, the court must re-construct their contract for them, and impose upon them the contract which it considers would have been more reasonable than the one they have actually made. For this reason, Lord Justice Atkin felt bound to dissent from his brethren, at least on the facts of the particular case. He felt that such wholesale reconstruction of contracts is hardly consistent with the well-known decisions of *Horlock* v. *Beal* (1916, 1 A.C. 486), and *Metropolitan Water Board* v. *Kerr* (1918, A.C. 119). In order to appraise the reasoning which influenced the two sections of a divided court, it will be convenient if we now state briefly the actual facts in the case.

By a charter-party dated April, 1913, made between Larrinaga and Co., owners, and the Société Franco-Americaine, etc., as charterers, it was agreed that the owners should provide the charterers with six steamships for the transport of phosphates from Florida to Dunkirk in the spring and autumn of the years 1918, 1919, and 1920. War broke out in 1914, an event, of course, unforeseen by the parties in 1913. In consequence the charterers waived their right to the first three shipments. In October, 1918, the war being now nearly over, and the conditions completely changed, they informed the owners that they would call for the three later shipments. The owners refused performance on the ground that the contract had been dissolved by frustration. The dispute went to arbitration, and the arbitrators made an award holding that there had been no frustration; but Mr. Justice McCardie held that the contract must be resolved into a series of six divisible contracts, one for each of the six shipments, although contained in one document and not expressly referred to watertight considerations for each of the six parts, and that, therefore, the first three were frustrated by unforeseen impossibility of performance, but not the last three. This view the majority of the Court of Appeal upheld for the reason just discussed.

It will be seen that neither of the contentions advanced by the two parties commended itself to the court. The charterers wished to maintain that the whole contract remained good, but that they were entitled to waive part of it. This is an impossible legal position. Of course the parties can mutually agree to waive performance of part of the contract; such mutual waiver amounts to a "novation," *i.e.*, a rescission of the whole contract and the construction of a new contract. But no such mutual waiver took place here, and one-sided waiver—*i.e.*, election of one party not to insist on an impossible performance—is a hopelessly unsound and unintelligible legal doctrine. The owners, on the other hand, wanted to treat the whole contract as at an end the moment one essential stipulation became impossible of performance—the view taken by the dissenting Lord Justice. But the court took the subtler course of analysing the contract into six severable stipulations, each containing promise and consideration, and of deciding independently in the case of each one of the six whether it was affected by the impossibility of performance or not. Certainly a bold step, looking perilously like a grave innovation upon settled principles of interpretation.

The view taken by Lord Justice Atkin was that the condition implied in this class of case is the condition that the contract shall terminate *as a whole* in the event of any one of three rather different occasions arising without having been foreseen—either cessation of existence of the subject-matter [burnt-down theatre], or cessation of circumstances essential to the performance [postponement of the Coronation], or such delay as completely alters the character of the adventure so as to make it in substance a different venture from the one contemplated by the parties. This view is inconsistent with severability of a contract which the parties have made an undivided contract; for such severance

automatically converts the venture into one very different from what it was. The simplicity of this view has much to commend it, and it is to be hoped that the House of Lords may be given an opportunity of further elucidating a very important principle on which the Court of Appeal thus stands divided.

Chief Justice Taft: An Appreciation.

Now that Chief Justice Taft has departed from our shores, it may be permissible to give a brief appreciation of his very remarkable career—not much known or understood in England. English lawyers, indeed, are deeply interested in the ex-President of the United States who has recently come here in order to gain hints for American use from our court procedure, and who, on his departure from Liverpool, stated very handsomely that he had discovered some wrinkles that would be of real value in America. This is a new situation for us. Hitherto we have been in the habit of looking to the United States for advances along the path of progress. That the States should learn from us in anything is an experience as novel as it is flattering.

It so happens, however, that in one respect the United States has long been the most stationary of nations, namely, as regards the forms of legal remedy and the processes incident to legal procedure. The curious archaism of America was pointed out so long ago as 1840 by De Tocqueville, and more recently has been emphasized by Lord Bryce. De Tocqueville, indeed, said that lawyers are the true aristocrats of America, a position no longer tenable; fifty years later Lord Bryce pointed out that the lawyer had been replaced by women as the socially privileged class in the American Commonwealth. The conservatism of American law and lawyers, in fact, has been due to one very simple cause, namely, America's possession of a written constitution which falls to be interpreted by the courts, which is exceedingly difficult to amend—it has only been amended eighteen times—and which imposes a crust of rigid antiquarianism on all the more fundamental principles of jurisprudence, such as the ground maxims of the law of torts, of contracts, of equity, of criminal process, and of legal procedure. In the United States, indeed, the ancient pleadings are still in full force, even as they were in the days of Webster and Clay. America has had no "Indictments" Act; no Summary Jurisdiction Acts; no Administration of Justice Acts—sweeping ancient formulæ out of existence as in our more privileged island.

The result is that the technicalities of American Law, both civil and criminal, have long made the delays and uncertainties of injustice amount to a denial of it. In a criminal trial, for instance, the proceedings usually commence with an elaborate series of technical objections to the indictment, which sometimes last for days before they are disposed of. Then come challenges of the jurymen upon every possible technicality until a jury which the defence and prosecution think favourable to the challenger has at last been impanelled. Endless objections to the admissibility of evidence are next taken. Then, when at last judgment has been pronounced, there follow motions galore in arrest of judgment, followed by similar motions in the Appellate Court to quash the conviction on some alleged irregularity said to exist on the face of the record. A wealthy prisoner, who can employ the most eminent counsel, will often delay his trial for years, and after sentence of death for murder—to take the most scandalous class of case—will suspend the execution of the sentence for years, while objections to its regularity are being painfully disposed of in slow rotation. A poor man has no such advantage; and much popular discontent naturally exists.

What is true of criminal trials is almost equally true of civil suits. These often last for years, even when they do come on. And, more often than not, they never reach trial, for the innumerable technicalities involved in the old pleadings—when demurred to with the scientific thoroughness of the modern expert practitioner—generally postpone trial until the action has abated from the death of the plaintiff or defendant, or of the judge, or from some other of the numerous causes of abatement possible under the pre-Judicature Act process. The non-allowance of costs too, except disbursements for court fees, is another source of injustice to the poor litigant fighting a wealthy purse. In fact the whole system has become so scandalous in many of the more backward States that no-one sues within their jurisdiction if he can take proceedings in some other State Court, or, by any happy chance, in a Federal Court; for a much more enlightened code applies in the Federal Courts. Unhappily their jurisdiction is severely limited under the Constitution. There exists in the States a large class of "Inter-statal" lawyers, whose branch of practice consists in finding plausible grounds for contriving to bring an action in the forum of some progressive state rather than in its natural forum, or, conversely, in finding equally plausible grounds for getting an unanswerable suit stayed and transferred to a jurisdiction in which greater obstacles can be set up. Indeed, American legal procedure is a system of wire-entanglements which the ingenious expert can adapt so as to thwart the course of justice and prevent the remedy of the most glaring grievances.

It is the great merit of Chief Justice Taft that, ever since his earliest entrance into the sphere of legal practice, he has steadily set before him the problem of securing three great legal reforms in the United States and the world at large: first, the reform of American legal process; second, the frustration of lynching; and third, the institution of international arbitration. From the beginning he has stood steadily for these three things. His early career at the Bar, like that of his great successor, Woodrow Wilson, was not that of a successful practitioner at all: it was that of an academic teacher in various colleges in New York State. But, unlike Woodrow Wilson, William Taft did not become a College President and abandon legal practice. On the contrary, his profound knowledge of legal procedure and its pitfalls led the great corporations (*Anglicé*, joint stock companies) to employ him in commercial cases. He saw the utility and desirability of arbitration and habitually recommended his clients to propose arbitration to the other side. Where both parties genuinely wanted a settlement on lines of justice, this was accepted. The result was that Taft became famous as an arbitrator, and legal practice in America tended to divide into two types—cases where the parties genuinely wanted justice, which went to arbitration, and cases where one of them did not want justice to be done, which went into the courts. Just as some English judges used to suspect any party who asked for a jury of having a bad case, so American public opinion, of late years, has tended to assume that a corporation which prefers the law courts to arbitration is not anxious to see justice done.

It was because he had become famous as a legal reformer as well as a successful legal practitioner that Taft was invited to enter politics. The progressive wing of the Republican party in America has always been anxious to introduce cleaner methods into business, into litigation, and into politics, than, unfortunately, have long been known in the United States. When Roosevelt showed signs of becoming somewhat of a crank, preferring "big stick" inperialism to the quiet part of domestic reform, many leading Republicans desired to find a man capable of fighting Roosevelt to his face inside the party and, at the same time, possessed of a high and pure political character which would win the respect and the support of that large element of conscientious voters to whom Roosevelt's genuine earnestness and political purity appealed. To find such a man they had to go outside the party ranks. They selected Taft, and, in due course, he succeeded Roosevelt in the Presidential Chair.

As President of the United States Taft did nothing sensational, but he pushed forward steadfastly the three causes he had at heart. He commenced the cleaning up of the Augean stables of legal technicalities which have made American law courts so notorious. In particular, he fought against the diversity of legislation in the States. He introduced the system of drafting uniform model Bills on each separate branch of law and recommending them to the Legislature of each State. He made efforts to secure fair play for the negro in the Southern States, unfortunately a very difficult task in a land where colour prejudice runs so high. And he worked unceasingly to promote International Arbitration.

Now the peculiarities of American constitutional practice have placed Taft at the head of the Supreme Court of the Republic, whose executive head he was for so many years. In this latter capacity he has not been content to sit still and rest on his oars. On the contrary, he has come boldly forward as a reformer. He has announced his intention of doing what he can to secure legal reform. Happily, he has carried with him the American Bar Association: his personal popularity with lawyers has outweighed their natural tendency to distrust legal innovations. When the will to reform and the prestige to carry reforms are united in one personality as vigorous as that of Chief Justice Taft, it requires no prophet to predict that great results are likely to follow.

Discussing a case at Manchester Assizes on Tuesday, Mr. Justice Swift said that there were some people who thought that human life was so sacred a thing that under no circumstances had a man the right to deprive a being of it. There were other people who thought that for the benefit of the community many of those whose lives were burdensome, either from weakness or mental disease, should be put away. Between those extremes there might be a happy medium. This much was certain, that in the interests of State it could never be left to a private individual to decide as to whether another should die or not. It could never be tolerated in any civilized community that a person might take the life of another and then attempt to justify it by such an excuse as that it would be better that the life should be sacrificed.

Reviews.

The Law of Compensation.

A Treatise on the Principles of the Law of Compensation. By C. A. Cripps, M.A., B.C.L. (now Lord Parmoor), K.C. Sixth Edition. By Aubrey T. Lawrence, M.A., and R. Stafford Cripps, Barrister-at-Law. Stevens & Sons, Ltd. 35s. net.

Lord Parmoor's book—Cripps on Compensation—has been known through successive editions as giving a very useful and clear exposition of a difficult subject. The assessing of compensation for land actually taken need not be a better for special legal difficulty; it is a question of striking the mean between opposing valuations; but important questions arise upon the effect of the notice to treat and a useful chapter is devoted to this. The most difficult cases are in connection with compensation for lands injuriously affected, and the varying measures of compensation according as other land of the same owner is or is not taken. This forms the subject of the two sections of Chapter IX, but the main principles were established a good many years ago now, in such cases as *Hammersmith Railway Co.* v. *Brand* (L.R. 4 H.L. 171), and the *Duke of Buccleuch's Case* (L.R. 5 H.L. 418), and *Cowper Essex* v. *Acton Local Board* (14 App. Cas. 153). The chief developments of recent years have been in statutory relaxations of the principles established under the Lands Clauses Act, 1845, especially in connection with the acquisition of land for public purposes; in particular, the relaxations made by the Acquisition of Land (Assessment of Compensation) Act, 1919, though the provision of the rules under that Act, excluding allowance for compulsory acquisition, is a change of practice rather than of any principle actually embodied in the Act of 1845. This and other recent statutes are collected in Book II, and they form a very useful addition to the work. In the chapter in this Book on "Acquisition of Land in Time of Emergency by the Crown," the Defence of the Realm Acts are stated, and the restriction on them established by *De Keyser's Case* (1920, A.C. 508) pointed out. The present edition will maintain the high reputation which the work has acquired.

Books of the Week.

Criminal Law.—Archbold's Pleading, Evidence and Practice in Criminal Cases. By Sir John Jervis, late Lord Chief Justice of the Court of Common Pleas, with the Statutes, Precedents of Indictments, &c. Twenty-sixth edition. By Henry Delacombe Roome and Robert Ernest Ross, Barristers-at-Law. Sweet & Maxwell, Ltd.; Stevens & Sons, Ltd. 52s. 6d. net.

Real Property.—A Compendium of the Law of Property in Land and of Conveyancing Relating to such Property. By William Douglas Edwards, LL.B., Barrister-at-Law. Fifth edition. Sweet & Maxwell, Ltd. 25s. net.

Correspondence.

The Law of Property Act.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—I am glad to see from your last issue that we are to have the benefit of some articles from your pen on this Act. I do not, however, quite understand your preliminary remark that it has been in effect announced and is, indeed, obvious "that the Act must be broken up into its constituent parts and re-enacted in a totally different form." I have not observed any announcement of this character. As I understand it, what appears to be intended is that the Parts of the Act dealing with amendments of the Settled Land Acts, the Conveyancing Acts, the Trustee Acts and the Land Transfer Acts shall be incorporated, by Consolidating Acts, with the Acts which they amend. I do not gather there is any intention of putting the amendments in a different form or altering in any way the Parts of the Act dealing with copyholds, conversion of perpetually renewable leaseholds or intestacy. The provisions of Part I dealing with the assimilation of real and personal property will no doubt require to be distributed between the various Consolidating Acts.

With regard to Section 3, on which you say the practical working of the new system of conveyancing entirely depends and which you have criticised at various times, I do not at present see that the section presents much difficulty or that it has the importance you attribute to it. I understand that the object of the draftsman has been to enable purchasers to disregard equitable interests not arising under a settlement by authorising the estate owner to set up machinery under which a sale can be made and the equitable interests will be automatically transferred to the proceeds of sale. The means afforded by the Settled Land Acts of freeing purchasers from being concerned with equitable and other interests arising under a settlement and transferring those interests to the purchase money have worked so satisfactorily and are so familiar to the profession that the draftsman has rightly sought to accomplish the object in view by means of provisions following the lines of those Acts. Section 3 and Section 53 (2) run together and it would seem that if advantage were taken of the machinery authorised to be set up by either of those sections, means would exist by which a purchaser would cease to be concerned with the greater number of equitable interests commonly affecting land which do not arise under a settlement. Section 3 appears to provide, in effect, that a purchaser shall not be concerned with any equitable interests which can be over-reached by mortgagees or personal representatives in exercise of their powers, or by trustees for sale, or by the exercise of the powers of the Settled Land Acts, or of the powers of the settlement, or by the use of the machinery authorised to be set up by Sub-section (3) or which are bound by an Order of the Court.

With regard to Sub-section (3) it would seem that the paragraphs numbered (i) and (ii) can rarely apply, as an over-riding equitable interest cannot usually be created after the creation of a trust for sale or a settlement. Such an equitable interest might no doubt be created by Statute, *e.g.*, in the shape of a charge on the land. The important paragraph is (iii) which enables the estate owner on his own initiative to create a trust for sale under which the equitable interest can be over-ridden subject to this qualification that the trustees for sale appointed by him must be approved by the owner of the equitable interest concerned or by the Court or be a Trust Corporation as defined in Section 186 of the Act. All this seems to be sufficiently simple. Section 53 (2) enables an estate owner to accomplish the same object—the over-riding of an equitable interest not arising under a settlement—in another manner, namely, by setting up a "settlement" within the meaning of the Act instead of a trust for sale. A small class of equitable interests is properly excepted from the operation of these sections, *e.g.*, equitable interests protected by a deposit of documents or by registration as land charges and equitable interests in the nature of restrictive covenants and equitable easements.

With regard to your remarks about mortgages by demise, personally I do not like long terms of years and would prefer that land should be mortgaged merely by way of charge. But I understand it was considered that existing fee mortgagees would hardly appreciate their fee mortgages being converted into charges. The alternative now permitted of "a charge by way of legal mortgage" (which I think you will see if you look again at Clause 3 of the 2nd Schedule is not simply shorthand for a mortgage by demise, as no term is set up) will enable those who object to long terms to adopt the form of charges without in any way prejudicing their clients, and I anticipate that this mode of mortgaging will be generally adopted. I hope that you, Sir, will use your influence in this direction and that the Editors of the Precedent Books will treat the legal charge as the common form of mortgage.

A Conveyancer.

12th July.

[We are very much obliged to our correspondent for the trouble he has taken in explaining section 3. His letter will be of great service to others as well as to ourselves. But does it not rather bear out our observatioh that the Act substitutes for the old machinery new machinery which requires equally expert handling? We agree that the re-arrangement of the Act will be mainly work of consolidation. It is the remnant which affects the principles of conveyancing, that may be changed in form and perhaps in substance. As to charges by way of legal mortgage we are content to let Schedule 2 speak for itself. Ed. *S.J.*]

CASES OF THE WEEK.

Court of Appeal.

Re **BRITISH AMERICAN CONTINENTAL BANK LIMITED: CLAIM OF GOLDSIEHER AND PENSO.** No. 1. 29th June.

Company—Winding Up—Foreign Creditor—Debt due in Foreign Currency—Conversion into Sterling—Rate of Exchange applicable to Conversion—Whether at Date of Debt or Date of Winding Up Order.

Where in a company's winding up a debt due to a foreign creditor in a foreign currency, incurred by reason of a breach of contract, is ordered to be converted into sterling for the purpose of being admitted by the liquidator, the rate of exchange at which the conversion is to be made is not the rate ruling at the date of the winding up but that on the date of the breach of contract which gives rise to the debt.

Principle laid down, as applicable to a case of tort, in Owners of ss. "Celia" *v.* Owners of ss. "Volturno" (1921, 2 A.C. 544) *applied to a case of breach of contract.*

The claimants, who were bankers in Brussels, entered into business relations with the British American Continental Bank, and, under two sets of contracts, the bank contracted to deliver to the claimants certain large amounts of foreign currencies. Owing to the failure of its American agents to meet their obligations the bank was forced to suspend payment, and the claimants, to minimise their losses, bought in the amounts in foreign currency which should have been delivered by the bank. There had been a breach of the first set of contracts by the bank's failure to deliver on 31st December, 1920, and there was a breach of the second set by a similar failure on 13th January, 1921. A winding up order was made on

25th January, 1921, and the claimants sent in claims for 1,506,295 Belgian francs in respect of the repudiation of the first set of contracts, and 33,162 francs in respect of the second. Being required by the liquidator to convert their claims into sterling, the claimants did so at the rate ruling on 25th January, 1921, the date of the winding up order. The liquidator contended that the rate should be that on the days when the breaches of contract occurred. The claimants contended that they were at all times anxious to receive the amounts due to them in francs. The date of the winding up was the date when their claims were made convertible into sterling, and that was therefore the date upon which they had to buy in the currencies not delivered by the bank, in order to balance their exchange account. P. O. Lawrence, J., upheld the view of the liquidator, and the claimants appealed.

The Court dismissed the appeal.

Warrington, L.J., said that it was settled in *Owners of s.s. "Celia"* v. *Owners of s.s. "Volturno"* (*supra*)—and although that was a case of tort the same rule applied in contract—that when translating a claim from a foreign currency into sterling the exchange must be taken as that prevailing at the date of the breach of contract. How could there be a different rule with regard to a proof in a winding up? It was a question as to a debt lawfully due to a creditor, and that would be a debt in sterling due at the date of the breach which gave rise to it.

Younger, L.J., and Eve, J., agreed. Counsel: *Clauson*, K.C., and *Beaumont*; *Schiller*, K.C., and *Hilbery*. Solicitors: *E. & J. Mote*; *Henry Hilbery & Son*.

Reported by G. T. Whitfield-Hayes, Barrister-at-Law.]

High Court.—Chancery Division.

In re **WILLIAMS' SETTLEMENT; WILLIAM WYNN** *v.* **WILLIAMS.**
Sargant, J. 29th June.

Settlement—Tenant for life—Remainderman—Capital or Income—Injury to Park by Military—Compensation—Indemnity Act, 1920 (10 & 11 Geo. 5, c. 48) s. 2.

An award of the War Compensation Court set up by the Indemnity Act, 1920, *of an amount for compensation for damage done to a park by military occupation belongs to a tenant for life unimpeachable for waste.*

In re Barrington (1886, 33 Ch. D. 523) *applied.*

This was a summons which raised the question of whether a sum of £2,090 awarded by the War Compensation Court, set up by the Indemnity Act, 1920, was to be treated as income or capital, or as subject to a trust for the application thereof in or towards making good the damage to the park. The facts were as follows: By an indenture dated the 20th day of October, 1909, certain estates in the counties of Flint and Denbigh were settled to the use of Sir W. Williams for life without impeachment of waste, with divers remainders over. By another indenture dated the 19th day of March, 1919, the tenant for life settled his life interest on trust to pay certain interest premiums on policies and annuities, and subject thereto on trust to allow him to enter into and remain in possession or receipt of the rents and profits of the settled land as tenant for life, until forfeiture by alienation as therein contained. There had been no forfeiture. One of the parks settled as aforesaid had been commandeered by the military in December, 1915, who remained in possession until August, 1920. The War Office paid rent for this occupation and it was treated as income and no question arose as to it. But questions had arisen as to two of the claims, (A) a claim for damage done to the park by the digging of trenches, shell holes and other military operations, and (B) a claim for damages done to the park by the erection and removal of a large hospital. In respect of claim (A) the War Compensation Court erected under the Indemnity Act, 1920, had awarded a sum of £2,090, and claim (B) had not yet been dealt with.

Sargant, J., after stating the facts said: The Indemnity Act, 1920, contains no provision how sums recovered by way of compensation are to be dealt with when recovered in respect of injury to settled land. There are, however, a number of cases deciding how casual profits should be dealt with as between tenant for life and remaindermen. I need only refer to two of them. In *In re Lacon's Settlement* (1911, 2 Ch. 17) it was held that damages for breach of covenants in a lease granted under the Settled Land Acts when recovered by the tenant for life are retainable by him as his own property. *In re Barrington* (*supra*) is a case where compensation was paid by an innocent trespasser in respect of minerals won by instroke, and it was held that successive tenants for life were entitled. That is of importance, because if the damage here had not been committed by the Crown, by virtue of the prerogative, but by a trespasser, the amount recovered would, on the authority of *In re Barrington* (*supra*), have belonged to the tenant for life, notwithstanding that the injury was to the inheritance. The same rule may by analogy be applied here. The compensation is a casual profit and the £2,090 belongs to the tenant for life, who is unimpeachable for waste. Apart from special circumstances the tenant for life will also be entitled to any compensation recovered in respect of claim (B), but I make no declaration as to that at present.—Counsel: *H. B. Vaisey*; *MacSwinney*; *Dighton Pollock*; *Lindon*. Solicitors: *Soames, Edwards and Jones*; *W. F. Foster*.

[Reported by L. M. May, Barrister-at-Law.]

High Court—King's Bench Division.

WATSON (JOSEPH) & SONS, LTD. *v.* **FIREMEN'S FUND INSURANCE CO.** Rowlatt, J. 22nd and 23rd June.

Shipping—Marine Insurance—General Average—Supposed Peril—Marine Insurance Act, 1906 (6 Edw. 7, c. 41), s. 66

The captain of a vessel, which was carrying a cargo of rosin, noticing what he erroneously assumed to be smoke (due, as he supposed, to fire) rising from the hold, caused steam to be turned into the hold in order to extinguish the fire, with the result that considerable damage was caused to the rosin.

Held, on the evidence that there was no fire: that the loss was not a general average loss, and that the words "for the purpose of avoiding or in connexion with the avoidance of a peril insured against" contained in s. 66 of the Marine Insurance Act, 1906, referred to losses collateral with the main process of avoiding a peril insured against, and not to losses incurred through a mistake with respect to a non-existent peril.

In this action, the plaintiffs claimed a sum of approximately £3,700 in respect of a general average loss under three certificates of insurance issued in respect of a cargo of rosin which was to be conveyed from New York to Hull. In the course of the voyage the captain of the vessel, in which the cargo was being conveyed, noticed what he erroneously assumed to be smoke rising from the hold, due, as he supposed, to fire. He therefore caused steam to be turned into the hold in order to extinguish the fire, and a large quantity of the rosin was damaged. The defendants contended that the sum claimed was not recoverable in respect of a peril which was really non-existent. By s. 66 of the Marine Insurance Act, 1906, it is provided: "In the absence of any express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding, or in connexion with the avoidance of, a peril insured against."

Rowlatt, J., in delivering judgment, said that on the evidence he held that there was no fire on the occasion in question. He was not, however, justified under the Marine Insurance Act, 1906, in saying that there was an actual peril when there was only a mistaken though reasonable belief that a peril existed. In any event the insurers in this case could only recover under the policies if there had been a fire. The insurance was against fire, not against errors of judgment on the part of the captain. There was, therefore, no general average loss. With regard to the contention that the loss had been incurred "for the purpose of avoiding, or in connexion with the avoidance of, a peril insured against," under s. 66 (6) of that statute, his view was that that sub-section referred to losses collateral with the main process of avoiding a peril insured against, and not to losses incurred through a mistake with respect to a non-existent peril. He therefore gave judgment for the defendants.—Counsel: *Leck*, K.C., and *Le Quesne*; *Mackinnon*, K.C., and *Simey*. Solicitors: *Waltons & Co.*; *William A. Crump & Son*.

[Reported by J. L. Denison, Barrister-at-Law.]

CASES OF LAST SITTINGS.

CHARLES SEMON & CO. *v.* **BRADFORD CORPORATION.**
Eve, J. 2nd June.

Easement—Light—Ancient Lights—Prescription—Sufficient Light for Business Purposes—Test—Not Light Taken but Light Left—Sill Light—Quia Timet Action.

In an action to restrain obstruction of light to a woollen warehouse it was proved that if the defendants' building were erected, the worst lighted working point in any of the rooms would receive 0·8 per cent. of the sill light, the sill light being the light available at the outside sill of the window from an unobstructed horizon.

Held, that the defendants' building, when erected, would not constitute an actionable nuisance.

This was an action by the owners of a freehold warehouse at Bradford, where they carried on business as stuff and woollen merchants, claiming an injunction to restrain the defendants from erecting upon their land any building on the north side of the street so as to cause a nuisance or illegal obstruction to the plaintiffs' ancient windows on the south side of the same street. The Plaintiffs' premises were in the centre of the business part of the city and were erected in 1876 in accordance with plans approved by the defendants, and had since been used for the purposes of the woollen business, which required a strong light for examining and matching cloth. The building had enjoyed free and uninterrupted access of light from the horizon to the street frontage for more than twenty years before the issue of the writ. There had been no obstruction except a hoarding on the piece of vacant land upon which the defendants contemplated erecting a building seventy-three feet above the level of the street, which was forty-five feet wide. The Plaintiffs alleged that the building when erected would materially diminish the access of light to their windows and render their premises substantially less convenient for the purposes of their business. The defendants asserted that there would be no such interference with the beneficial use of the premises as entitled the plaintiffs to relief, and that there would be sufficient light left, the test being not what was taken, but what was left.

EVE, J., said the issue which he had to try was whether the erection of the defendants' building would obstruct the access of light to the plaintiffs' windows to such an extent as to render the premises substantially less convenient for beneficial use and occupation as a warehouse for the purposes of the plaintiffs' business. The opinions of the plaintiffs' witnesses as expressed in examination-in-chief, were based solely on the quantum of light intercepted. No attempt was made to ascertain how far the intercepted light would represent surplus above ordinary requirements, the interference with which would give no cause of action, nor did they institute any inquiry as to the amount of light which would survive, and still be enjoyed by the plaintiffs, a factor which could not be omitted from an investigation, the object of which was not to ascertain whether there would be a diminution of light, but whether the diminution, whatever its magnitude, would be so great as to leave the plaintiffs' premises less fit for the purposes of their business. No one doubted that the direct light would be greatly reduced, but if notwithstanding the reduction there still remained a sufficiency of light for the plaintiffs, they did not prove an actionable nuisance simply by proving that the reduction was large. It might be questioned whether the plaintiffs, when they closed their case, had discharged the onus which rested on them of proving that the defendants threatened and intended to take away so much of their light as to leave them less than was required for the beneficial use of their premises for the purposes of their business. But even if the plaintiffs raised a *primâ facie* case, it had been rebutted by the evidence given on behalf of the defendants. It appeared therefrom that in recent years a great advance had been made in the study of light problems, and although no standard had been fixed determining the minimum amount of light reasonably necessary for particular industries, certain conclusions had been arrived at from which it was possible to ascertain the quantitative value of the light in a room under varying conditions of obstruction. It had been established that the ratio of the light at any given point in a room to the sill light was constant, the sill light being the light available at the outside sill of the window from an unobstructed horizon. The sill light would, of course, vary, but the percentages in the various parts of the room of the inside illumination to the sill light remained constant. This percentage was called the daylight factor. In the case of public elementary schools there was a consensus of expert opinion that in a room where young children worked, if the worst-lighted desk received 1 per cent. of the sill light, the room was adequately lighted for the purpose of an ordinary public elementary school. For adult clerical work a room was adequately lighted so long as the illumination at the worst lighted working point in the room did not fall below 0.4 of the sill light, the light being measured in all cases at table level, that is, three feet above the floor. On this basis it was shown that if the defendants' building was erected and ordinary glass substituted for hammered glass the daylight factor would be 1·5 or 1·6 per cent., and the lighting conditions on the ground floor would be quite adequate for the ordinary requirements of people carrying on a business of this kind in this sort of situation. As to the first floor, the evidence was that at two points in the office the illumination at the worst lighted point would be 0·8 per cent., and at another point 1·54 per cent. of the sill light. It was impossible, therefore, to hold that the plaintiffs had discharged the burden of establishing that the defendants' building would constitute an actionable nuisance, and the action must be dismissed, with costs.—COUNSEL: *Hughes*, K.C., and *C. A. Bennett*; *Cunliffe*, K.C., *Tomlin*, K.C., and *J. G. Wood*. SOLICITORS: *Peter Thomas & Clark*, for *Greaves & Firth*, Bradford; *Torr & Co.*, for *Norman L. Fleming*, Bradford.

[Reported by S. E. WILLIAMS, Barrister-at-Law].

Solicitors Struck off the Roll.

At a meeting of the disciplinary committee of the Law Society, held in the Law Society's Hall this week, two solicitors were adjudged guilty of professional misconduct, and were ordered to be struck off the Roll. The solicitors were:

Alfred Ernest Hopper, formerly of Ilfracombe, Barnstaple, Braunton and Combe Martin, who was convicted at Exeter Assizes of having fraudulently converted to his own use £2,000, entrusted to him for a specific purpose, and was sentenced to five years' penal servitude;

George Reginald Bell, formerly of Southampton-street, Strand, who was convicted at the Central Criminal Court of obtaining by false pretences a sum of £10 and was sentenced to be imprisoned for three months in the second division.

In Parliament.

House of Commons.

Questions.

NATIONALITY LAW.

Sir A. HOLBROOK (Basingstoke) asked the President of the Board of Trade whether his attention has been directed to the instances of injustice referred to in the Interim Report of the Committee appointed by his Department to advise upon applications for the release of property of ex-enemy aliens in necessitous circumstances; whether certain of such instances are consequent upon difficulties presented by the uncertain and, in many cases, conflicting municipal laws of different countries for determining nationality; whether he is aware that the amendment of the law forms the subject of an inquiry now proceeding before a committee of the International Law Association appointed by that body at the Hague Congress of last year; and whether, having regard to the expediency of placing nationality upon a definite and uniform basis in all civilised countries, he will recommend the setting up of a Select Committee for the further and better examination of the question, to consider the expediency of proceeding with the Bill presented to this House by the Home Secretary to amend the British Nationality and Status of Aliens Act, 1914 and 1918, as regards the acquisition of British Nationality by persons born out of His Majesty's Dominions, and submitting to Parliament a Bill commensurate with present day requirements comprehensively dealing with the subject?

Mr. SHORTT: My attention has been drawn to this Report. I am aware that the nationality laws of different countries are not all based on the same principles, and this circumstance, more particularly in the situation created by the War, has given rise to cases of hardship such as those referred to by the hon. and gallant Member. As regards the third point raised in the question, I understand that such a committee was appointed, but I have no information as to the scope of its deliberations. I am not, as at present advised, prepared to recommend the appointment of a Select Committee for the purpose indicated in the last part of the question. (5th July.)

CHILTERN HUNDREDS.

Mr. DENNIS HERBERT (Watford) asked the Lord Privy Seal whether his attention has been called to the fact that under the Law of Property Act, 1922, when it comes into operation, the stewardships of the Chiltern Hundreds and of the Manor of Northstead and the Escheatorship of Munster will cease to exist as offices of profit under the Crown; and whether he will consider what arrangements should be made for Members of this House who may then wish to resign their seats?

The PRIME MINISTER: Stewardships of manors will not cease to be offices of profit until all manorial incidents have been abolished in them, and it is not anticipated that this operation will be completed for some seventeen years. I will consider, in consultation with my hon. and learned Friend the Attorney-General, whether in the course of the consolidating legislation which will follow upon the Law of Property Act it may not be desirable to retain in existence permanently the ancient and lucrative offices of the Stewardships of the Chiltern Hundreds and the Manor of Northstead. The Escheatorship of Munster, being an Irish Office, is not affected by the Law of Property Act.

PRISON SYSTEM.

Mr. MORGAN JONES (Glamorgan, Caerphilly) asked the Home Secretary whether his attention has been directed to the Report of the Prison System Inquiry Committee recently published; and whether, seeing that, as stated in that Report, during 1920–21 no less than 54.4 per cent. of the male prisoners and 73.3 per cent. of the women prisoners had been previously sentenced at least five times, that 19.7 per cent. had been sentenced at least six times, that 12.73 per cent. had been sentenced at least eleven times, and that 2·61 per cent. had been sentenced at least twenty-one times, he will consider the introduction of some change in the prison system?

Sir J. BAIRD: There is nothing novel in the figures to which attention is drawn, and the fact of recidivism has, I have no doubt, been constantly present in the mind of everyone concerned in prison administration. I see no reason to suppose that any change in the prison system would prevent some of the offenders who have been imprisoned once incurring the same punishment again or even many times again.

CONVICTION APPEAL, ABERGAVENNY (BAIL).

Lieut.-Colonel WATTS-MORGAN (Rhondda, East), asked the Home Secretary if his attention has been called to the case of Mr. Thomas Victor Parry, who appealed against the conviction and sentence imposed on him by the Abergavenny justices; is he aware that the appellant as a condition of bail was compelled to enter into a bond of £50, and to further deposit a sum of £75 with the clerk to the justices; and, seeing that, if this practice now extensively employed by these justices is allowed to continue, it will result in preventing appeals being lodged, and thereby possibly in some cases bring about or continue a miscarriage of justice, what steps does he propose to take in this matter?

Mr. SHORTT: I am making inquiry in this case, and will give the hon. and gallant Member an answer when the inquiries are completed.

RENT RESTRICTIONS ACT.

Sir W. JOYNSON-HICKS (Twickenham) asked the Prime Minister whether he will consider the appointment of a Committee to investigate the effect of the Increase of Rent and Mortgage Interest (Restrictions) Act, which expires in June, 1923?

The PRIME MINISTER: A Committee is being set up forthwith to consider the question of the continuance and amendment of the Rent Restrictions Act.

Lieut.-Colonel JAMES: Will there be any representatives of the County Court Judges on the Committee?

The PRIME MINISTER: There will be two. (10th July.

ASSIZES (DIVORCE PETITIONS).

Mr. RENDALL (Gloucester, Thornbury) asked the Attorney-General whether the new Rules relating to the trial of divorce petitions at the Assizes are now in force; whether cases can be entered for trial at Assizes at once; and, if not, on what date can proceedings under the new Rules be commenced?

Sir E. POLLOCK: The period of time required by Statute before the new Rules can come into force will expire in the course of the present month. As I stated in reply to my hon. and learned Friend the Member for Moss-side (Lieut.-Colonel Hurst) on the 21st June, it is hoped that the Rules will be in operation before the end of the month. Cases can then be set down for trial at the Autumn Assizes. Directions have been given to the officials of the registries, both in London and the Provinces, to be in readiness by that date. (11th July.)

Bills Presented.

Railway and Canal Commission (Consents) Bill—"to amend the Law as respects certain matters in connection with which the consent of the Railway and Canal Commission is required": Colonel Sir Robert Sanders. [Bill 179.] (5th July.)

Liquor Traffic Local Veto (England and Wales) Bill—"to enable the Parliamentary electors in prescribed areas by direct veto to prohibit the issue within such areas of licences for the sale of intoxicating liquors, and also to prohibit the common sale or supply of such liquors in licensed premises, clubs, or elsewhere within such areas": Mr. Raffan. [Bill 180.]

Education (Scotland) (Superannuation) Bill—"to provide for the payment of contributions towards the cost of benefits under the scheme framed and approved in terms of the Education (Scotland) (Superannuation) Act, 1919, and for matters incidental thereto, and for the payment from the Consolidated Fund of deferred annuities in respect of contributions under the Elementary School Teachers (Superannuation) Act, 1898": Mr. Munro. [Bill 181.]

Economy (Miscellaneous Provisions) Bill—"to amend the Law respecting the charging of certain fees and to make other provisions with a view to promoting economy and efficiency in public administration, and for that purpose to bring into operation and amend the Education Act, 1921": Sir Robert Horne. [Bill 182.]

Housing Bill—"to amend the Housing of the Working Classes Act, 1890, the Housing, Town Planning, &c., Act, 1909, the Housing, Town Planning, &c., Act, 1919, and the Local Government Act, 1894": Mr. Myers. [Bill 184.] (6th July.)

Temperance (Wales) Bill—"to promote temperance in Wales by conferring on the electors in prescribed areas control over the grant and renewal of licences restricting the hours of opening of licensed premises for the sale of intoxicating beverages; by amending the Law relating to clubs, and by other provisions incidental thereto": Mr. Hinds. [Bill 185.] (10th July.)

Empire Cotton-growing Corporation Bill—"to provide for the collection of a contribution by cotton-spinners in the United Kingdom to the funds of the Empire Cotton-growing Association, and other matters relating to the said Corporation": Lt.-Col. Hurst, on leave given. [Bill 188.]

Unemployment Insurance (No. 2) Bill—"to amend Section 4 of the Unemployment Insurance Act, 1922, so far as relates to the third special period mentioned in that Act": Dr. Macnamara. [Bill 187.] (11th July.)

Bills in Progress.

5th July.—Criminal Law Amendment Bill. Motion for Second Reading (Mr. Shortt). Amendment for Rejection (Major C. Lowther) negatived without division, and Bill read a Second time and committed to a Standing Committee.

Merchandise Marks Bill [Lords.]—Amendment for Rejection negatived by 179 to 55. Read a Second time and committed to a Standing Committee.

British Nationality and Status of Aliens Bill.—Read a Second time and committed to a Standing Committee.

Oil in Navigable Waters Bill [Lords.]—Read a Second time and committed to a Standing Committee.

7th July. Treaties of Washington Bill [Lords.]—Read a Second time and committed to a Committee of the whole House.

Summer Time Bill [Lords.]—Read the Third time.

Solicitors Bill [Lords.]—Motion for Second Reading (Sir E. Pollock). Amendment for Rejection (Lieut.-Col. Hurst), after debate withdrawn, and Bill read a Second time.

10th July. Economy (Miscellaneous Provisions) Bill (Sir R. Horne). Amendment for Rejection (Dr. Addison) negatived by 199 to 57. Bill read a Second time and committed to a Standing Committee.

Treaties of Washington Bill [Lords.]—Considered in Committee and read a Third time.

Railway and Canal Commission (Consents) Bill.—Read a Second time. This Bill, which has been introduced by the War Office, applies to land now in occupation of the Department. Under the existing Defence of the Realm (Acquisition of Land) Act, power is given to the Department to close highways, occupy land temporarily, and purchase compulsorily land already occupied. In each case application has to be made to the Railway and Canal Commission by a certain fixed date, and has to be granted by the Commissioners at a subsequent fixed date. The Commissioners have, it is stated, an enormous amount of work to do, and they cannot settle all these cases by the required dates. The object of the Bill is, in the first place, to give six months longer, and the Bill keeps the highways closed during the period until the case is actually decided. It also allows the Department to continue in temporary occupation until the case is actually decided, provided the delay so caused is not more than six months. If the delay be longer, a special application has to be made to the Commissioners for extension.

British Nationality (Married Women) Bill.—Ordered that it be an instruction to the Select Committee on the British Nationality (Married Women) Bill to consider generally the effect in English law if husband and wife were to possess different nationalities and to examine the questions which might, in view of the laws of foreign countries, arise in that event.

New Orders, &c.

Committee.

INSANITY AND CRIME.

The Lord Chancellor has appointed a Committee (of which Lord Justice Atkin will be Chairman) to consider and report upon what changes, if any, are desirable in the existing law, practice and procedure relating to criminal trials in which the plea of insanity as a defence is raised, and whether any, and if so what changes should be made in the existing law and practice in respect of cases falling within the provisions of s. 2, s-s. 4 of the Criminal Lunatics Act, 1884.

The members of the Committee will be as follows:—Lord Justice Atkin (Chairman), Sir Ernest Pollock, K.C., Sir Leslie Scott, K.C., Sir Herbert Stephen, Sir Richard Muir, Sir Archibald Bodkin, Sir Edward Troup, and Sir Ernley Blackwell.

Societies.

The Law Society.

ANNUAL GENERAL MEETING.

The annual general meeting of the Law Society was held at the Society's Hall, Chancery Lane, on Friday, the 7th inst., the President, Mr. John James Dumville Botterell (London), occupying the chair. Among those present were Mr. Arthur Copson Peake (Leeds, Vice-President), Mr. Charles Edward Barry (Bristol), Mr. Harry Rowsell Blaker (Henley-on-Thames), Mr. John Wreford Budd, Sir William James Bull, M.P., Mr. Alfred Henry Coley (Birmingham), Mr. Cecil Allen Coward, Mr. Weeden Dawes, Mr. Robert William Dibdin, Mr. Walter Henry Foster, Mr. Samuel Garrett, Mr. Herbert Gibson, Mr. William Waymouth Gibson (Newcastle-on-Tyne), Mr. Leonard William North Hickley, Mr. Philip Hubert Martineau, Mr. Charles Gibbons May, Sir Charles Henry Morton (Liverpool), Mr. Robert Chancellor Nesbitt, Mr. Richard Alfred Pinsent (Birmingham), Mr. Reginald Ward Edward Lane Poole, Mr. Harry Goring Pritchard, Sir Albert Kaye Rollit, LL.D., D.C.L., Litt.D. (Chertsey), Mr. Charles Leopold Samson, Mr. Samuel Saw, Mr. Herbert Harger Scott (Gloucester), Mr. Charles Scriven, O.B.E. (Leeds), Sir Richard Stephens Taylor, Sir Walter Trower, Mr. Robert Mills Welsford, Lieut.-Col. Samuel Tomkins Maynard (Brighton), Mr. E. R. Cook (Secretary), and Mr. H. E. Jones (Assistant Secretary).

PRESIDENT AND VICE-PRESIDENT.

The PRESIDENT declared Mr. Arthur Copson Peake (Leeds) duly elected as President, and Mr. Robert William Dibdin (Red Lion Square, W.C.) as Vice-President. He said he desired to congratulate the Society and the gentlemen themselves on their election. He was sure the members would find an excellent president to succeed him. He felt that he was leaving the office in very capable hands.

COUNCIL VACANCIES.

There were thirteen vacancies on the Council, caused by the retirement of ten members in rotation, the resignation of Mr. R. B. Phillpotts and Sir William Leese, and the death of Mr. Charles Goddard. There were fourteen nominations of candidates.

The PRESIDENT said that a letter had been received from Mr. Ernest Edward Bird, announcing his withdrawal from candidature for election on the Council. As the number of candidates was not more than the number of vacancies, there would be no contest. He, therefore, declared the following gentlemen elected: Mr. John James Dumville Botterell, Mr. Alfred Henry Coley (Birmingham), Sir Homewood Crawford, Mr. Thomas Musgrave Francis (Cambridge), Mr. Samuel Garrett, Sir John Roger Burrow Gregory, Mr. Randle Fynes Wilson Holme, Mr. Arthur Murray Ingledew (Cardiff), Mr. Charles Mackintosh, LL.D., Sir Donald Maclean, P.C., K.B.E., M.P., Sir Albert Kaye Rollit, LL.D., D.C.L., Litt.D. (Chertsey), Mr. Francis Edward James Smith, and Mr. Robert Mills Welsford. It will be seen that all the retiring members have been re-elected, with the addition of Mr. R. F. W. Holme (Old Jewry), Mr. Charles Mackintosh (Old Broad Street), and Mr. F. E. J. Smith (Lincoln's Inn Fields).

Auditors.

The President declared the following elected as Auditors: Mr. John Stephens Chappelow, F.C.A., Mr. Henry Owen Hamer Maude, and Mr. Richard Redfern Lechmere James.

Society's Accounts.

The President moved the adoption of the account of income and expenditure for the year ending 31st December, 1921.

Mr. L. W. North Hickley (Chairman of the Finance Committee), seconded the motion. He said that he was glad to be able to show a balance on the right side of £417 4s. 2d., after meeting a deficit of £1,583 on the articled clerks' account and devoting £1,417 to depreciation. This satisfactory result was due to the increase in the amount payable as subscriptions. He thought it was matter for congratulation that not only did the Council receive no complaint from the members at what must have been an unwelcome increase, but that there had been a considerable growth in the number of their members, which growth still showed signs of continuing.

Admission Fees.

There was a marked falling off—neary £1,000—in the sum received in admission fees, but he was sure the meeting would believe him when he said that this did not mean diminished competition in the profession in the immediate future, as it was fully explained by the rush in previous years which was the aftermath of the war. The war also meant necessarily fewer articled clerks, as many who would have started their legal career, willingly and at the earliest moment joined the army, and those who, happily, had returned, had not yet entered the ranks of the profession. The sum received in admission fees during 1921 was but £1,795, as against £2,435 and £2,360 in 1911 and 1913, two normal years. Everything pointed to a return to pre-war figures in the near future. Except for this figure and the 50 per cent. increase of subscriptions there was little on the income of the account which called for comment.

High Expenditure.

The expenditure during the year reached high water mark, but he was glad to think the tide had now turned. The figures were very high. As an instance, he might mention that the total sum paid for rates and taxes, altogether, was some £6,300 as against £3,300 in 1913, this fact alone making a difference against the Society of some £3,000. Then the item "postage and sundries" included over £1,000 spent in postage stamps. Nearly every item on the expenditure side showed an increase and it was, he thought, a matter for congratulation that under such circumstances it should be possible to show a balance on the right side. Economy was being practised wherever it could be done, and he thought he might say that no effort was spared to reduce expenditure where economy did not mean loss of efficiency. In this connection it was right to say that no charge was made against the Society's funds for the entertainments which were periodically given by the Council, and to which many distinguished guests were invited. This had meant a large saving upon previous expenditure.

Articled Clerks' Account.

He was sorry that the articled clerks' account showed so heavy a deficit. There were some who thought that the charges made against this account were too heavy. A committee was examining the figures and, it might be, would decide to reduce these charges. Though this result would not bring relief to the Society's finances he would welcome any deduction that could fairly be made. In comparing figures, he found that the fees taken for final examinations in 1913 were nearly £1,000 more than in 1921. Again he was glad to report an improvement in the current year and to say that if the number of candidates was maintained at the examination in November next, the present year should bring the amount received to approximately the same as that received in 1913.

Financial Position.

Turning to the balance sheet, he thought the meeting would agree that the financial position of the Society was a very healthy one. The Society's freehold premises and their contents were entered at a very moderate figure, and it spoke well for the care which his predecessors had taken of the Society's affairs that the prevailing fashion of writing down assets was, so far as the Society was concerned, one to which there was no need to have recourse. It was not far short of 100 years since the Society was born, and if it were possible for its parents to be present to-day, he was sure they would be pleased with the growth of their offspring. The few stocks held by the Society were entered at their cost price, a figure which he feared could not be realised, but when the balance sheet was prepared those stocks had appreciated so greatly that he thought, as there were no dividends to be provided, that he might with propriety wait till next year before re-valuing them. It would be seen that the Society had this year written off the debt on the articled clerks' fund incurred during the war years amounting to £11,474. It was, of course, impossible to make the accounts balance during those years without breaking up the Society's School of Law. No one could contemplate such a course, and the Society had therefore carried on as economically as possible. They had now to meet the bill, but for which the premises would have been practically free from any charge at all. There was still a loss to meet on the articled clerks' account, which, though it was entered as an asset for accountancy purposes, was not, in his opinion, a good debt. The Society could well, however, afford to write this off if necessary, and the position would still be a thoroughly sound one. The mortgage of £10,000 might have been reduced, but, in view of the necessity of expending a considerable sum to meet over-due decorations and repairs to the buildings, he had thought it wiser to keep some cash in hand, while there were some instalments due to the staff insurance fund which were not met in the war years for which provision was necessary.

Catering Contract.

He had been asked to state whether there was a catering contract in existence which was open to the inspection of members, and if so whether such contract involved any consideration money, either to or from the Society, and if so on which side of the account the relative entries appeared. His answer was that a contract existed with Mr. Ridley, the details of which were settled and modified from time to time by the House Committee. He hardly thought it was desirable that such contract should be open to inspection or criticism by members, though the committee would gladly receive and deal with any complaints or suggestions submitted to it. It was hoped, however, and believed, that on the whole there was reason to congratulate the members on the way the catering was done. As regarded the second part of the question, nothing was paid to or by the caterer. His accounts were open to the inspection of the House Committee, who were satisfied that the profits were not excessive. In conclusion he wished to refer to the death a few months ago of Mr. Rogers, the chief cashier, who had faithfully served the Society in the accountant's department for a period of thirty-four years. Fortunately, the Society had in Mr. Ryall a most worthy successor, to whom his personal thanks were due for his most able assistance. He wished also to express his thanks to Mr. Cook, Mr. Chappelow, and the honorary auditors, for the help they had given them.

A Member asked if it would be possible to furnish the members with a statement of the previous year's accounts, so that they might have an opportunity of comparing them?

Mr. Hickley said that there was the objection of the expense. He was trying to keep the expense of printing and stationery down as much as possible. The accounts appeared in the previous year's report, and, if the members preserved their reports, they could be compared.

A Member asked how the loan appeared on the balance sheet?

Mr. Hickley replied that not very long ago it stood at £40,000. It was now only £10,000. He did not think the members need trouble about it.

Another Member hoped the time would come before long when it had disappeared altogether. He congratulated the Society on the accounts.

The motion was unanimously adopted.

Sir Walter Trower (London, Member of Council) thought a vote of thanks was due to the Treasurer for the great skill with which he had discharged his office.

Sir R. S. Taylor (London, Member of Council) seconded the motion, and it was carried.

Annual Report.

The President moved the adoption of the annual report. He said that as he had had the opportunity of addressing the members at the Provincial Meeting at Scarborough last year, when he went into everything he thought of interest to the Society, there was not much left for him to say, more particularly as his successor would have the opportunity of addressing the Society at the Provincial Meeting at Leeds in the autumn, and he did not wish to forestall him in any observations he might desire to make. He would therefore content himself by bringing up to date some of the matters referred to in the report, which had moved forward since it was printed.

Solicitors' (Legal Education) Bill.

The Solicitors' (Legal Education) Bill had been passed in the House of Lords and it had been sent to the House of Commons, he was glad to say, to be considered by that House. The second reading would take place that evening. The Bill was in charge of the Solicitor-General, who understood the matter, and under his guidance, he felt sure, and there was every reason to believe, that it would shortly become law.

Newcastle-on-Tyne Prize.

The report also referred to the fact that Mr. Robert Brown, of Newcastle-on-Tyne, was offering a prize at the final examination. His desire in the first place was that it should be confined to students in Northumberland, but he had acquiesced in the wish expressed by the Council that in case in any year there was no student from Northumberland included in the honours list the Council should be at liberty to award the prize to students from other parts. They were very thankful to Mr. Brown for his kindness, not merely for the gift, but for his approval of the altered regulations as suggested.

Law of Property Act.

Another subject which was referred to was the Law of Property Act. The annual report dealt with matters to the 12th June, and it was then possible only to state that the Bill was about to pass the House of Lords. It would have been observed that the Bill had passed rapidly through its various stages in the House of Commons and that it had now become an Act, and that one very important concession had been made by the Government in that they had extended the date on which it was to come into operation from the 1st January, 1924, until the 1st January, 1925. The profession would therefore have the rest of the present year, the whole of 1923, and the whole of 1924 to consider the effect of the Bill and digest its provisions. The members would remember that the Bill as originally drafted provided that in two years an Order could be made by the Privy Council extending the compulsory area for registration of title to any county, although that county might have made no application for such extension and quite regardless of the county's wishes in the matter. The Council made urgent representations to the Lord Chancellor to the effect that they were convinced that the simplification of conveyancing, which they cordially supported and which they felt sure would ensue if the Bill became law, would render registration of title, which the Society and the Provincial Law Societies very much disliked, entirely unnecessary. The Lord Chancellor did not take that view, but they requested him to postpone the compulsory provisions for such a time as would provide an opportunity for a thorough trial of the new system. As the members knew, the Lord Chancellor met them and agreed that the trial period should be extended from two to ten years. Sir Walter Trower and Sir Charles Longmore conducted these nogotiations, and the profession owed them a great debt of gratitude for their efforts. It would be observed, of course, that the ten years ran from the date on which the Bill came into operation. The fact that such date had been postponed for two years and a half automatically extended the trial period by the same length of time, so that the compulsory provisions did not in fact come into force for more than twelve years. It was a great achievement on the part of the Lord Chancellor that he should be able to bring forward such a measure and to get it passed by both Houses of Parliament in the way he had. It was a task in which every Lord Chancellor of great eminence had failed. Lord Cairns, Lord Selborne, even Lord Haldane, failed to get a Law of Property Bill passed. It had fallen to the Lord Chancellor of the present time, Lord Birkenhead, to get it done, and the Council had congratulated him on the result of his efforts, and he thought the meeting would be prepared to do so. It was a great achievement, and he felt sure that the result would be a great simplification of the Law of Property, and he hoped also that it would result in larger and more numerous transfers of property in which they would all be more or less interested. It was now for the profession thoroughly to study the Act and, when it came into operation, to make up their minds that it should succeed. Only by those means could they justify the faith that was in them that the Act would render registration unnecessary. He hoped therefore that they would do their utmost to digest and understand the Act, and he could promise them that close study would convince them that the scheme of the Act in broad outline was simple and made for simplicity, and that by far the larger portion of the Act had been rendered necessary owing to the complicated conditions which existed and which it simplified and amended.

Solicitors' Remuneration.

The report referred to the fact that the Lord Chancellor, in June, 1921 appointed a Departmental Committee, under the chairmanship of Mr. Justice Russell, to consider the law as to the remuneration of solicitors by a gross sum. The committee reported to the Lord Chancellor and, although the report had never been published, he thought he might say that it was more or less in sympathy with the suggested remuneration by lump sum, if proper safeguards were introduced. The Society's report stated that, as a result of the committee's deliberations, it was believed that the Lord Chancellor was considering the preparation of a Bill. He had now only to add that since the report was issued a Bill had been prepared by the Government draftsman and submitted to the Council by the Lord Chancellor. The Council had made various suggestions with regard to it and for the moment the matter rested there. It remained to be seen whether it would be possible to introduce the Bill during the present session.

Fees to Counsel.

The matter of fees to counsel was still under discussion. The Council had had a discussion with the Bar Council regarding the matter, and they were hoping that some sort of arrangement would be come to with respect to a large portion of the leader's fee, when he really came under the definition of a "star" leader, so that it should be regarded as far as 50 per cent. was concerned as a special fee and the junior should be left to take his share of the remainder. He thought that would work very well, and he rather hoped that would become the etiquette of the profession. He had pointed out to the Bar Council that his firm had had a case where a very heavy fee had to be paid to the leader, who commanded his own terms. It was £1,000, and they had to make the junior's fee £750. That was according to the etiquette of the Bar, the result being that the junior was paid quite three times the fee the Attorney-General was paid for carrying on the same matter on the other side. He had pointed out that that was very unreasonable, and he thought the Bar Council were rather influenced by the argument.

Matrimonial Causes at Assizes.

With regard to the trial of matrimonial causes at Assizes, the Lord Chancellor had, since the report was sent out, as they knew, issued new rules under which it would become possible now to try matrimonial causes at Assizes. The Council considered that this was a move in the right direction, and they believed, not merely that it would largely reduce the cost in those cases, but that it would remove the present serious congestion in London.

Legal Practitioners' Bill.

He was glad to say that the Legal Practitioners' Bill had been dropped. Its intention was to bring about the fusion of the two branches of the legal profession, against which proposition so decided a vote had been given by the members of the Society.

Unqualified Persons Preparing Deeds.

Another matter was that of unqualified persons preparing deeds. The annual report made reference to legislation which the Council were able to obtain empowering the Society to proceed against unqualified persons drawing deeds for profit. The matter had previously been in the hands of the Commissioners of Inland Revenue, and very little had been done to secure public protection. It would have been observed that the report stated that the Society had successfully prosecuted in three cases. He was glad to say that the Council had since successfully prosecuted in two other cases and heavy fines were inflicted. These prosecutions inevitably tended to put an end to unqualified persons preparing deeds.

Membership of the Society.

The Council had made a great effort in the direction of increasing the membership of the Society. The greater the number of members the greater would be the influence of the Society, and it was very pleasant to know that the influence of the Society was extending. The Council were consulted more frequently by Government departments and others who were not satisfied with the law on any particular subject, and if the Society only represented practically the whole body of solicitors their influence would be much greater than at the present time. A profession which had 15,000 members ought to exercise enormous influence in the country, and he was quite sure that if the Society could secure a larger number of members it would be of very great advantage, not only to the public, but to themselves. The provincial societies had made a great effort to secure more members. The Council induced them to make almost house-to-house visits in some places, with the result that a large number of new members were secured. There were not so many outside the fold in London, but there were still a good many, and he would urge the members to do their best to get others to join the Society. In conclusion he read an extract from the writings of Sir Francis Bacon as follows: "I hold every man a debtor to his profession—from the which, as men, of course, do seek to receive countenance and profit, so ought they of duty to endeavour themselves by way of amends to be a help and ornament the reunto."

Mr. A. Copson Peake (Vice-President, Leeds) seconded the motion. He said he very much appreciated the honour done to him in electing him president. He would find it difficult to follow Mr. Botterell, who during his year of office had not missed attending a single Council meeting. He was glad that the Provincial Meeting of the Society would this year be held at Leeds. The Leeds Law Society were looking forward to a very good meeting. The visitors would receive a very hearty welcome, and he could assure them that Yorkshire would do its best to entertain them.

Poor Persons' Rules.

Mr. P. H. Edwards (London) said he did not think the working of the rules as to poor persons was quite satisfactory. In some cases the solicitors who had taken up these cases had acted in every way as was desirable, but in others—the solicitors engaged would not be likely to be present at that meeting—their conduct was not altogether what might be wished for. He trusted that during the coming year a small sub-committee would be appointed to look into the matter. In his opinion, the conduct of cases for poor persons should be taken up by some charitable association working under the Society and recognised as the proper authority for so doing. There should be no cost to the parties, but the expenses should be defrayed absolutely by voluntary subscriptions. Solicitors should emulate the example set by the doctors in the magnificent work done by them in

connection with hospitals. He was sure that some of the solicitors would be very glad to support an institution of that kind which would be quite outside their own businesses.

The PRESIDENT said the Council always had the matter before them. They were in constant communication with the officials everywhere, and did their best to get more solicitors to undertake the work. The Council had received some complaints some time ago, but they had all been removed, and the work was being satisfactorily done so far as the Council could ascertain. The Council were constantly considering the subject, and would continue to do so.

LAW OF PROPERTY BILL.

Mr. S. S. SEAL (London) said, with regard to the Bill affecting the transfer of real property, that it was satisfactory to know that the President had before his mind such high authorities as Lord Cairns, Lord Selborne and Lord Haldane in discussing what the provisions of the new Bill were. He had seen references to the Bill, but he was not acquainted with its provisions, and it had occurred to him that with the multifarious duties which were carried on in regard to real property it was a matter requiring most extraordinarily sublime ability if they were going altogether to supersede the forms of transfer that had hitherto been adopted. He could hardly suppose that that was the case. It carried him back to the consideration of the practice under the old Common Law Procedure Act before the institution of the judicature system. That system was based very largely on the practice which prevailed under the Common Law Procedure Act and to that extent it became of vast importance and contributed to the success of the new system. If some principle of that kind was to be adopted in formulating the measure now before them with regard to real property, possibly it might be of use, possibly it might be of great advantage. But he was bound to say that when they spoke of its effect and what was to come of it, their high expectations might be purely those of possibility with regard to a subject concerning which there could be nothing like probability. He was bound to say he looked upon it with great reluctance. He supposed, and certainly hoped, that details or regulations would be formulated which would meet the requirements which existed in dealing with property.

SOLICITORS' REMUNERATION.

With regard to solicitors' remuneration, he was almost more in the dark than was the case as concerned the other subject. He understood the President to say that the feeling displayed by the House of Commons Committee that had been at work, and the conclusions come to were hostile to the views entertained by the Society. He was sorry he did not know what those views were, because, if the Council were proposing to introduce an alteration of the law with respect to solicitors' charges, unless they had something in the nature of facility for official taxation they would launch the profession into a sea of trouble and disaster that would be a source of danger to it.

The PRESIDENT said Mr. Seal was addressing the meeting on a subject he had said nothing about. He asked him if he had read the Act?

Mr. SEAL: No, sir, I have not.

The PRESIDENT said it would have been better if he had done so. What he was saying would then come with more authority.

Mr. SEAL said he agreed that that would be so. But at least the meeting could consider the principle which, as far as he understood it, was that of assessing the solicitors' charges in a totally different way from that which had hitherto prevailed. The solicitor might find himself engaged in a matter of litigation similar to that which came before Mr. Justice McCardie the other day, and that undoubtedly would be of no advantage to the profession, nor would it be any advantage to the client. He certainly hoped there was not going to be the introduction of power for altering the solicitors' charges in such a way that there would be reasonable fear of its becoming the subject of adjudication in open court.

Mr. W. HASELDINE JONES (London) said he rather regretted the last speech, because he thought the speaker had not realised that the profession had to meet the official principle of registration of title, and they wished to be able to do what they could in the way of simplifying the rules. He congratulated the Council on their action in endeavouring to get rid of such antiquated customs as that of gavelkind. In his own office he recently had a case—a most difficult case—which concerned a matter of only £200, and it cost £50 to put it right, whereas, if the law of gavelkind had been amended as was proposed by the Bill, that expense would have been avoided. It was an annoyance to his client, particularly as so small an amount was involved. Clients complained for reasons of the kind that the lawyers were so grasping.

Mr. EDWARD A. BELL (London) said he was voicing the views of the majority of members of the Society when he said that the time had come when solicitors' bills of costs should be rendered in a lump sum instead of by the ridiculous, antiquated system of giving every item, with which they were painfully familiar. He hoped the Society would support the Council in the efforts they made to press for the abolition of the present system of bills of costs.

Mr. BARRY O'BRIEN (London) said it seemed to him very difficult for anyone to discuss the matter until he knew the terms of the report which he understood had been made by Mr. Justice Russell's Committee to the Lord Chancellor upon the subject. He did not suppose that anyone in the room would disagree with him when he said that much of the ridicule cast upon the profession was because of the unfortunate six-and-eightpences they had to charge in making out their bills of costs. There was a real necessity for the change. He asked the President if it was possible to give any information as to when the terms of the report would be made known?

The PRESIDENT said that the Council had not had access to the draft report. They had only access to the draft Bill and that carried out all their needs, with one addition which the Council did not like and which they were striving to get rid of, and he thought they would succeed.

Mr. O'BRIEN asked what were the ideas of the President on the subject?

The PRESIDENT said the matter was under discussion at the present time and he did not feel that he ought to disclose negotiations which would have to be disclosed if he mentioned the condition to which he had referred. The members might take it that the Council would not agree to any condition which they thought would not be for the good of the profession. They would rather abandon the Bill.

SOLICITORS ACTING IN ABSENCE OF COUNSEL.

Mr. JAMES DODD (London) moved in accordance with notice:—"That in cases where counsel having accepted a brief fails to appear at the hearing it is expedient that the solicitor instructing him be allowed in his absence to conduct the case himself. That the Council of the Society be directed to take such steps as may be necessary to secure this concession." He said that when he put down the notice of motion he was sent for by a prominent member of the Council, who implored him to withdraw it. He said the thing had been going on for a number of years and they had all suffered from it and in that he (Mr. Dodd) quite agreed with him. He said the proposition was revolutionary. Well, order 14 was a revolutionary measure, and he was looking forward to the time when they would put up a statue in the Law Courts to the man who invented it. The Law of Property Bill was also revolutionary. The reason he had put the notice down was that he had had an action in Chancery on behalf of a lady and he briefed an eminent counsel. At the time the matter came on the eminent counsel was on his legs in another court and, as a result, they did not succeed in gaining their case; his client had to go without the redress she wanted and had to pay a bill of costs of £150. His explanation of the matter to her was not convincing and she said that now that women had got votes all that heap of nonsense would be swept away. He did not know of any instance of a solicitor being allowed to conduct a case under such circumstances, but he had been told of an office boy being allowed to open pleadings to a jury when his employer was absent, and being afterwards complimented by the judge on the skill he had displayed. There was a judge upon the bench who once conducted his opponent's case under similar circumstances. He said to the jury, "Now please let me contradict all that I have said, because I have to speak to you on the opposite side." He (Mr. Dodd) had not asked anyone to second his motion, but he was perfectly certain there were many present who had suffered from the practice of which he had spoken. He could not have asked the lady to address the court in the case he had referred to because she would have not known sufficient about the action, but it was clear that, having had the whole thing at his fingers' ends, he could have done so. He was only able to go to the registrar and explain that counsel had not attended. The counsel on the other side said he could not wait. It seemed to him an intolerable state of things and it was time that it should be altered.

The motion having been seconded,

Mr. WELLS (London) asked Mr. Dodd why he had worded the motion that the solicitor should be "allowed" to conduct the case? Why should not the resolution say that the solicitor be "authorised" to appear in court for the client.

Mr. DODD said he would like the motion to be worded in that way.

Mr. WELLS said that personally he thought the solicitor would know more about the facts of the case than the counsel. The counsel merely knew what the brief which had been drawn for him by the solicitor told him, whereas the solicitor knew exactly all the facts. He suggested that the resolution should run that the solicitor should be authorised to appear for the client in any event.

Mr. BELL said he was much in sympathy with the mover of the resolution. But he objected to a solicitor being required to conduct a case in the absence

of the counsel. It would be fixing the responsibility upon the unhappy solicitor, and that would be a serious matter in a complicated case full of detail, such as a shipping case, or a Chancery case. It might mean the digging of a pit for the solicitor to fall into. Looked at in the cold light of reason, he thought the motion should not be allowed to pass.

Mr. S. E. REDFERN (London) said it would be a very awkward matter for the solicitor to have to argue the case, but he ought to have the option of so doing if he felt inclined. The resolution ought to be supported.

A MEMBER said that the solicitors regarded themselves as defenders of the public. They all knew the difficulties which arose from the practice referred to in the motion, and he thought that the public ought to know of them.

Another MEMBER said that, although he did not think it wise to pass the resolution in its present form, he thought the matter was one which the Council might well take into consideration. He trusted that Mr. Dodd would withdraw the motion with the view that that might be done. The Society ought not to move hastily in the matter.

A third MEMBER supported the motion. He said that in the county court it was often found that the judge or registrar would allow the solicitor's managing clerk to open the case, rather than that the client himself should conduct it, during the temporary absence of the solicitor in another court. It was frequently allowed by the registrar, and sometimes by the judge. The solicitor who prepared the case must know all about the case. The change would be a very great advantage to the client.

The PRESIDENT said he was afraid it would not be of much advantage to the client for the solicitor to argue a case, for instance, before the Court of Appeal. He agreed with Mr. Bell that it might be a very difficult position for the solicitor, because he would be liable to have an action brought against him for negligence whenever he failed to get a verdict, and if he did not conduct the case properly. Of course, counsel would not be liable to that disability. There would be very much danger to the solicitor if the proposition were carried into effect.

Mr. DODD, in reply, said he was not urging that the solicitor should be compelled to conduct the case, but he was asking that he should be allowed to do so. It seemed to him that it was often a tragedy for the client when counsel did not appear. It was the duty of solicitors to protect their clients against such a misfortune. He had had a case where he had had to run all over the courts to find a counsel as a substitute for the counsel he had briefed, and having instructed him for five minutes, he made a speech lasting half a hour to the jury, and lost the case.

The motion was carried, fifty voting in its favour and forty-eight against.

NOTICES OF MOTION.

Mr. VYVYAN WELLS (London) moved in accordance with notice "That the Society's Bye-law No. 32 be amended so as to read as follows: 'Whenever a notice of motion has been given by a member, and included in a notice convening a general meeting, if the Member who gave the notice does not move the resolution, then any other Member then present may adopt it as his own, and move as if the notice of motion had been given by him.'" He said it would be remembered that at a previous general meeting one of the members placed a notice of motion on the paper congratulating Mr. Lloyd George upon a certain settlement he had made with some body of persons in Ireland. He congratulated the members that the good sense of the members at that time had prevented the motion being put to the meeting. If it had been so put it would have been lost by a majority of about ninety-nine to one, he should think. Nevertheless, a good deal of mischief was done, for the reason that the mover succeeded in making what was rightly described as a party speech in favour of the resolution, and, having done so, he proceeded to show his want of conviction by withdrawing the resolution. If that resolution had been moved by an insignificant member of the Society like himself, he did not know that anyone would have been much the worse, but the position they were left in at the end of the meeting was that in every newspaper throughout the land it was reported that the President of this very important Society was in favour of the so-called settlement. No dissenting views were reported in the papers, for the simple reason that all opposition was ruled out. It was a grave defect in the bye-laws that anything of that kind should take place, and especially when it was considered that many of the members had come, on that occasion, hundreds of miles for the purpose of speaking with regard to that particular resolution. If the resolution he was moving were adopted no one would be able to take a similar course in future, because if anyone put a motion on the agenda he would know that he would have to stand by it, or that it would be moved by somebody else.

Mr. J. MALCOLM LICKFOLD (London) seconded the motion. He said that he did so with the view of preventing anything of the kind occurring again.

Sir WALTER TROWER said he hoped the meeting would not carry the resolution. Bye-law 32, which had existed ever since the establishment of the Society, provided that, if the member who gave the notice was not present and had not withdrawn it, any member then present might, if authorised in writing by the person who gave the notice, adopt it as his own and move as if the notice had been given by him. That bye-law was intended to provide apparently for the case of sudden illness or other good reason for preventing the attendance of the member putting down the motion The rules which, he believed, were adopted by the Houses of Parliament with few trifling exceptions, were to the effect that no motion or amendment which required notice could be moved by a member other than the member in whose name the motion stood. The Council's bye-law, which had been tested by experience, had not until now been objected to, and he submitted that it should not be altered without graver reasons than those which had been advanced. The bye-law appeared to him to be founded on sound sense. A notice of motion at a general meeting involved great responsibility and should not be given except for some serious reason and well thought out purpose, and that responsibility should rest exclusively on the member who gave the notice. It often happened that, after mature consideration and further enquiry, a member withdrew his resolution, and certainly it should not be picked up lightly and moved by another member who had not given it the same serious consideration. They were busy members of a busy Society and they did not wish to have anything brought before them which would be withdrawn on consideration. There was no serious reason for altering the bye-law. If there was a question which a member thought should be brought before the Society he could give notice himself for the next general meeting. He could not see any reason for altering the bye-law, certainly he could not accept the reason given which arose out of a difficulty on a particular occasion—he extremely regretted the manner in which it had been referred to. It seemed to him extremely out of place that a motion of this kind should be made, and he hoped the meeting would reject it.

Mr. HASELDINE JONES said that when he saw the notice of motion on the paper he was rather inclined to support it, but, after the remarks of the proposer, he should vote against it. Enough said!

Mr. H. F. BROWN (Chester) said that no case had been made out for the alteration of the bye-law. He did not know exactly what was referred to as having taken place at a previous meeting, but apparently it was something very exceptional such as had not occurred within the memory of the oldest member of the Society and was not likely to occur again. From what he had heard, he understood that it would be a lesson to the member who was concerned not to do anything of the kind again. But before the meeting passed such an extraordinary bye-law as that which was proposed, he thought they ought to have evidence that a similar society had a bye-law in something of the same direction, but no similar case had been cited to them. The Society would be unique if it passed the resolution, and he did not see that the Society would do itself any good by legislating for a very exceptional case of this sort, a case which had better be left to the common sense of the meeting, and one they should not attempt to deal with by making a bye-law. He certainly hoped the resolution would not be passed.

The motion was negatived.

THE HOLKER BEQUEST.

Mr. BELL asked, in accordance with notice: "Whether the attention of the Council has been called to 'The Holker Bequest' of £100,000 to Gray's Inn for legal educational purposes; and has the President any statement to make on the propriety and/or expediency of making representations to the proper authorities for the application of any part of the fund towards the purposes of the Imperial School of Law?"

The PRESIDENT said the answer was that this bequest was left to the Gray's Inn Society for a certain purpose. He did not know of any reason why the Society should not try to get some of the crumbs which fell from the rich man's table, but he did not know of any particular grounds which the Society could advance for asking for them in this instance. At the present time there was no Imperial School of Law which could be said to be existing, and he was afraid it was no good asking Gray's Inn to give the Society some of the money for their school of law.

Mr. BELL: Is the Imperial School of Law in the course of inauguration?

The PRESIDENT: No, it is in a state of suspended animation.

Mr. BELL: It cannot be suspended animation if it has never been animate.

The PRESIDENT: I do not mean animate, but suspended animation.

LADY SOLICITORS.

Mr. BELL further asked in accordance with notice: "What approximately will be the date when a lady will become eligible for entry on the Roll of Solicitors?"

The PRESIDENT said there were three ladies who could present themselves for final examination next November. If they got over that obstacle and wished to be admitted they would be admitted. He had rather hoped it would have been his portion to be the first president to sign the admission of a lady, but he was afraid Mr. Peake would have the opportunity.

Mr. BELL asked if they might hope that the ceremony would take place in the presence of the members of the Society?

The PRESIDENT: I don't know. You must ask the President about that.

Sir JOHN COUDE ADAMS moved a vote of thanks to the President for his able and self-sacrificing devotion to the interests of the Society during the past year of office. As they had heard, he had never once been absent from a meeting of the Council.

The motion was carried with acclamation.

The PRESIDENT briefly responded.

Mr. Arthur Copson Peake, who was elected President of the Law Society at the Annual Meeting, is the senior member of the firm of Barwick, Peake and Milling, of Leeds, of which city he is Clerk of the Peace. He is the son of the late Edward Copson Peake, of Littlecote, Pinner, and was educated at Oakham. He served his articles of clerkship with Messrs. Cooper & Company, of Newcastle-under-Lyme, and was admitted on the Roll in May, 1877, becoming a member of the firm of which he is now the head ten years later. Elected an extraordinary member of the Council of the Law Society in 1906, he became an ordinary member in 1910.

Mr. Peake has played a prominent part in the organisation of the profession, having acted for many years as Hon. Secretary of the Yorkshire Union of Law Societies, of which union he is now the President. He married in 1884 Emily Marion, daughter of Mr. E. J. B. Jellicorse, and now resides at Elstree, Hertfordshire, and is a Justice of the Peace of the county. Mr. Peake has been Vice-President of the Lawn Tennis Association for the past ten years. He is also an enthusiastic angler and golfer and, indeed, takes a keen and active interest in nearly every kind of outdoor sport and recreation.

The Society of Public Teachers of Law.

The Fourteenth Annual Meeting of the Society was held, by permission of the College Committee, in the Mocatta Library at University College, London, on Friday afternoon, the 7th instant, the outgoing President, Mr. C. H. J. Hurst, in the chair.

In moving the adoption of the Annual Report of the General Committee, Dr. Winfield tendered his sympathy to his Oxford colleagues in the grievous losses which had been sustained by the death, during the last twelve months, of Lord Bryce and Professor Dicey, Honorary Members of the Society, and Professor Geldart and Sir H. Erle Richards, whose work and influence had been so extensively known and appreciated. He congratulated Oxford on the succession of Professor Holdsworth to the Vinerian Chair; and expressed the pleasure which the Cambridge members felt in entertaining the Society at Cambridge for the Annual Meeting of last year.

The motion, having been seconded by Professor Gutteridge, was carried unanimously.

The meeting then proceeded to discuss the report of the sub-committee which had had under consideration the subject of Life Insurance and Superannuation for teachers of law. The report showed that the Federated Superannuation Scheme for Universities was in force for whole time teachers of law in certain universities, but that in most centres there was no scheme in force, and that part-time teachers were, almost without exception, unprovided for in this respect. The report explained the working of the Federated Superannuation Scheme, the options open to the assured thereunder, and the arrangement for contributions towards the premiums by the University or other body, and the assured. The report contained a detailed table of special rates of premiums, submitted by a leading Life Assurance Society, which would be open to any group of members who desired to take advantage thereof.

A resolution of thanks to the sub-committee for its investigations was, on the motion of Dr. Jenks, seconded by Professor Pearce Higgins, unanimously carried.

The Hon. Secretary, Dr. Burgin, reported progress as to the proposed Case Book on Real Property Law, on the loose-leaf system, and stated that it was hoped, now that the Law of Property Bill had become law, that the Case Books Committee would be able to make speedy progress with the scheme.

After congratulating the Society on the excellent list of publications by its members during the past twelve months, contained in the Annual Report, the President welcomed Sir Frederick Pollock, one of the Society's Honorary Members, and Mr. W. C. Bolland and Mr. G. J. Turner to the meeting. He then initiated an interesting discussion on Year Book study, emphasizing the special difficulties of the subject, the lack of men in the coming generation of lawyers, and the great need for endowment by the State or private individuals to assist this special study. He further explained what, in his opinion, was the best way to teach the subject to students, and how, from the point of view of an editor, the manuscripts themselves should be collated and compared with the Plea Rolls.

Mr. W. C. Bolland expressed his gratitude to the Society for the invitation to take part in the discussion, and his appreciation of the President's efforts to promote and further the study of the Year Books. He then referred to the suggestions of the late Professor Maitland for furthering the objects in view, and explained in detail what by experience he had found to be the best methods for studying and editing the Year Books.

Mr. G. J. Turner felt that it was of greater importance to study than to edit Year Books; and was of opinion that there was no necessity to train a large number of students to edit Year Books, but would prefer rather to encourage the writing of dissertations than the extensive publication of the text. He made further valuable suggestions as to what seemed to him the most suitable methods of encouraging students to take up this particular study, and congratulated the President on his exposition and advocacy of the subject.

Sir Frederick Pollock hoped that the discussion would bear fruit. He reviewed the valuable work which had been done in the past, and called for a closer alliance between historical and legal schools. While a study of the Year Books was important for legal historians, it was not essential for the practical lawyer. Continental scholars were anxious to know what legal historians in this country had to tell them.

Professor Holdsworth described himself rather as a student than as an editor of Year Books; and he emphasized the value of encouraging students to write theses and dissertations.

Professor Hazeltine, having referred to the work being carried on by the Maitland Memorial at Cambridge, and to the valuable work which had been done in editing Year Books in the past, the President wound up the debate, and suggested that the subject was one which might usefully be considered by the general committee, in order that some practical steps might be suggested for furthering the objects in view.

The following officers were then elected for the ensuing year, viz., as President, Professor Hazeltine; as Vice-President, Professor Holdsworth; as Hon. Treasurer, Dr. Winfield; and as Hon. Secretary, Dr. E. Leslie Burgin.

Mr. M. L. Gwyer, C.B., and Mr. S. H. Leonard were unanimously re-elected Honorary Auditors for 1922-23.

Various items of business having been discussed and settled, resolutions of thanks to the members of the Faculty of Laws in the University of London and the University College Committee for their hospitality were unanimously carried.

Mr. Hurst and other members of the Faculty of Laws afterwards entertained members and guests, to the number of fifty, to dinner in the College Refectory. The guests included Lord Haldane, Lord Justice Atkin, Sir Frederick Pollock, Sir Gregory Foster, Sir William Beveridge, Dr. Barker, Dr. Senter, Mr. J. W. Budd, Dr. Deller, Mr. W. C. Bolland and Mr. G. J. Turner. The President having proposed the Royal toast, the President-elect, Professor Hazeltine, proposed "The Guests," coupling the toast with the name of Lord Haldane. He expressed the pleasure which the Society felt at the presence of so distinguished a list of guests, and referred to the eminent record of Lord Haldane, an Honorary Member of the Society, a great lawyer who had at different times occupied the highest offices in the State, Lord Chancellor and Principal Secretary of State, the creator of that great Territorial Force which had stood the country in such great stead in its hour of need, a philosopher, and one who had taken a very prominent part in that great measure of reform, the recent Law of Property Act. He emphasized the valuable contribution towards the cause of legal education by Lord Justice Atkin, as Chairman of the Council of Legal Education. Sir Frederick Pollock, a great author and editor, was, he recalled, an old Oxford teacher of law. They welcomed the heads of several of the constituent Colleges of the great University of London in the persons of Sir Gregory Foster, Dr. Barker, Sir William Beveridge and Dr. Senter. In his work at Cambridge he had been deeply impressed by the great importance and value of the business side of the organization of a University, and he welcomed Dr. Deller, the Academic Registrar of the University of London. The great work of legal education carried on by the Law Society was of the highest importance; and the presence of Mr. J. W. Budd, Chairman of the Legal Education Committee of the Law Society, was a source of great pleasure. In Mr. Bolland and Mr. Turner they had the presence of two gentlemen whose study of the year books had contributed so largely to legal history, and whose contributions to the discussion at the afternoon meeting had been so valuable and interesting.

The toast was responded to by Lord Haldane, on behalf of all the guests present, who, in a speech of the greatest interest, dwelt upon the impossibility of an adequate study of the law which was divorced from the university atmosphere, and emphasized the necessity for keeping to the fore the question of university teaching in London. He referred to the opportunity which he had just had of helping to pass through the House of Lords a measure designed to carry forward by a great step the cause of legal education, by insisting on the better education of articled clerks and the extension of facilities therefor. He regretted that he had recently been obliged to inform Canadian correspondents that they could not bear their share in an Imperial School of Law, for the simple reason that such a school did not at present exist.

Lord Justice Atkin then proposed, "The Society of Public Teachers of Law." As chairman of the Council of Legal Education, he appreciated the value of such a body as the Society, and felt that there was no body more able to give valuable guidance and to assist in smoothing the way towards the ideals of legal education at which they all aimed. The present facilities should be co-ordinated. He felt that at present there was no class more misunderstood by the general public than lawyers, and regretted the average man's conception of lawyers and the law. Yet he felt that many of the difficulties in every day business were caused by the difficulty in construing the language of the layman. He suggested that it would serve a most useful purpose if suitable facilities were afforded in order that the public at large might have more instruction in the law than was the case at present, and if there were some organ where discussions could

be brought to the notice of such a public. He felt it to be a reflection upon the law teaching profession that there was no law journal which was really representative. There should be facilities for the study of subjects of special interest to commercial men. He referred to Scrutton on *Charter Parties*, and advocated similar collections in other branches of commercial law. Law was closely related to history; and a study of law should form part of the curriculum of any form of a liberal education, *e.g.*, the elementary principles of jurisprudence, natural justice, the ordinary principles of procedure, the functions of judge, jury, and sheriff, a few of the principles of constitutional law and of the law of contract, and so on. In proposing the Society, he felt that these were a few of the topics which related to the objects which the Society was formed to promote.

The President, Mr. Hurst, warmly thanked the speakers who had spoken so heartily of the law teaching profession. The Society was formed thirteen years ago; and amongst its objects was the bringing together of the law teachers scattered throughout the country. He considered that an Imperial School of Law was the ideal at which we all should aim. It should be a School in which all the law teaching bodies should take a part. He did not propose to enter into the politics of the University of London, but said that he would welcome an extended law faculty. Law teachers had not here the standing which they had in the United States of America. He referred to the great Law Schools in Paris and Berlin, and regretted the present haphazard system of legal education in this country. The Society had as one of its objects the better teaching of law. He expressed his pleasure at the presence of five past Presidents of the Society, viz., Dr. Blake Odgers, Professor Murison, Sir Ernest Trevelyan, Professor Pearce Higgins, and Dr. Jenks. In conclusion, he tendered his thanks to Dr. Winfield, the Treasurer, and Dr. Burgin, the Hon. Secretary, for their invaluable assistance during his Presidential year of office, and cordially thanked Lord Justice Atkin for the kind and sympathetic manner in which he had proposed the toast.

The Law Society.

HOSPITALS OF LONDON COMBINED APPEAL.

LAW SOCIETY AUXILIARY LIST.

The following further subscriptions to the above fund have been received since the 14th June last:—

	£	s.	d.
Sydney James, Esq.	1	1	0
Philip H. Martineau, Esq.	2	2	0
A. Copson Peake, Esq.	5	5	0
W. G. Wilde, Esq.	2	12	6
W. J. E. Slarke, Esq.	2	12	6
Messrs. Church, Adams, Prior & Balmer	21	0	0
R. M. P. Willoughby, Esq.	1	0	0
Geoffrey C. Bosanquet, Esq.	2	2	0
P. J. Vardon, Esq.	2	2	0
C. H. Hornby, Esq.	2	2	0
W. H. Nutt, Esq.	1	1	0
F. C. H. Jones, Esq.	1	1	0
E. S. Trehearne, Esq.	1	1	0
Messrs. Baileys, Shaw & Gillett	26	5	0
F. Wolfe, Esq.	50	0	0
C. V. Carlisle, Esq.	3	3	0
W. Haseldine Jones, Esq.	3	3	0
Messrs. Budd, Johnson, Jecks & Co.	52	10	0
H. M. F. White, Esq.	3	3	0
L. A. Benham, Esq.	5	5	0
Messrs. Ingledew, Davies, Sanders & Brown	3	3	0
R. J. White, Esq.	2	2	0
R. Kynaston Metcalfe, Esq.	3	3	0
George A. Herbert, Esq.	2	2	0
Messrs. Gamlen, Bowerman & Forward	21	0	0
Messrs. Burton, Yeates & Hart	10	10	0
Messrs. Cree & Turner	5	5	0
E. P. Moorhouse, Esq.	5	5	0
C. F. Woodbridge, Esq.	1	1	0
Master Granville Smith	2	2	0
C. G. Willoughby, Esq.	1	1	0
Messrs. Field, Roscoe & Co.	21	0	0
Messrs. Coward & Hawksley, Sons & Chance	26	5	0
Messrs. Francis, Miller & Steele	2	2	0
A. Trowbridge Keeling, Esq.	3	3	0
Messrs. Keene, Marsland, Bryden & Besant	10	10	0
E. F. Stokes, Esq.	2	2	0
Messrs. Bramston, Skelton & Dowse	3	3	0
Messrs. Windybank, Samuell & Lawrence	5	5	0
W. Martin, Esq.	1	1	0
R. Bruce Aitken, Esq.	2	2	0
Messrs. Sharpe, Pritchard & Co.	26	5	0
Messrs. Grundy, Kershaw & Co.	52	10	0
Messrs. Freshfields, Leese & Munns	26	5	0
Sir George Fowler	10	10	0
Messrs. Nicholson & Crouch	2	2	0
Messrs. Leighton & Savory	5	5	0
Messrs. Bircham & Co.	3	3	0
Messrs. Bird & Bird	26	5	0
Harry E. Laurence, Esq.	3	3	0
E. A. Alexander, Esq.	5	0	0
Messrs. Woolley & Whitfield	5	5	0
Messrs. Parker, Garrett & Co.	52	10	0
Messrs. Cardew, Smith & Ross	3	3	0
Messrs. Barnard & Taylor	2	2	0
Messrs. Hopgood, Mills, Steele & Co.	26	5	0
Messrs. Dennes, Lamb & Pearce Gould	21	0	0
Walter R. Kersey, Esq.	10	10	0
Frank W. Brazil, Esq.	5	5	0
Cedric H. Akaster, Esq.	1	1	0
Messrs. Iliffe, Sweet & Co.	21	0	0

Law Association.

The usual monthly meeting of the Directors was held at the Law Society's Hall on Friday, the 7th instant, Mr. T. H. Gardiner in the chair. The other Directors present were, Mr. E. B. V. Christian, Mr. P. E. Marshall, Mr. A. E. Pridham, Mr. R. M. Woodhouse, Mr. C. F. Leighton, Mr. Wm. Winterbotham, and the Secretary, Mr. E. E. Barron. The sum of £261 was voted in relief of deserving new applicants; two new life members were elected and other business transacted.

Companies.

The London City & Midland Executor and Trustee Company Limited.

In consequence of increasing business the capital of The London City and Midland Executor & Trustee Company Limited has recently been raised from £500,000 to £1,000,000, and the reserve fund from £50,000 to £100,000. This Company was formed by the London Joint City & Midland Bank Limited some years ago to undertake on behalf of the Bank's customers and the general public the various and sometimes onerous duties attaching to the office of executor and trustee. The whole of the capital is owned by the Bank under whose management and supervision the affairs of the Company are conducted.

Grand Trunk Pacific Four per cent. Debentures.

Paymaster Rear-Admiral Sir Francis Harrison-Smith, K.C.B., who has taken up the case of the private holders of these loans, and is now being helped financially by other stock-holders, has already received many hundreds of letters from holders who desire to join his effort to negotiate with the Canadian Government for recognition of the responsibilities assumed by its Ministers in regard to this stock, of which £7,000,000 was subscribed, mainly in Great Britain. Stock held by those who have already put themselves into communication with Sir Francis amounts to about £800,000 and letters continue to come in. Sir Francis has opened a temporary office at 78, Buckingham Gate, London, S.W., where a staff is dealing with the correspondence, and where all communications should be addressed to the secretary. Investors holding these debentures—who have not already done so—are advised to send their names and addresses, and to state the amounts of their holdings, in time to enable them to receive notice of the date of the meeting which will be announced next week.

Counsel has been furnished with a brief to watch the interests of these debenture-holders at the hearing of the Grand Trunk Appeal before the Judicial Committee of the Privy Council.

The First Avenue Hotel.

There has been a danger of the First Avenue Hotel, commanding almost an island site, being disposed of by the Gordon Hotels Limited, for business premises and offices, but this, we are informed, has been prevented by the enterprise of the Governing Director of Athertons Limited, law agents and bankers, of 63 and 64 Chancery Lane, W.C., entering into an arrangement under certain conditions to purchase the hotel, furniture, fittings and stock-in-trade at £150,000. Messrs. Athertons Limited are offering £65,000 in £1 ordinary shares to the profession in a prospectus about to be issued. £85,000 has already been arranged. It is intended that under the new direction the business of catering for members of the legal profession, which has been a feature of the Hotel, will be further developed.

At Nottinghamshire Assizes on Monday, 26th June, George Bugg Burke, 46, solicitor, of Newark, was charged with intent to defraud by forging, in May, 1916, a memorandum of agreement of the deposit of certain documents of title to land. It was stated that the defendant obtained a mortgage of £200 on property belonging to a man named Freeman, who was in ignorance of the transaction. Freeman said that the signature on the documents was not his. The prisoner was found guilty and sentenced to three years' penal servitude.

Legal News.

Business Change.

Mr. SYDNEY WALES, of 16 King-street, Cheapside, E.C.2, has taken into partnership as from the 1st July, 1922, Mr. BASIL ROY POWER, who has been associated with him for some time past. The business which has for many years been carried on at this address under the firm-name of Rooks, Spiers, Wales & Ward, will in future be conducted under the name of Rooks, Wales & Power.

Dissolutions.

RICHARD VINCENT JOHNSON, PERCY WRIGHT BRUNDRIT, Solicitors (Johnson and Brundrit), at Ruthin, in the County of Denbigh, 1st January, 1922. [*Gazette*, 7th July.

EDWARD LOVELL, EDWARD WYCHERLEY LOVELL, Solicitors (Edward Lovell and Son), at 8 Wrotham Road, Gravesend, Kent, 31st December, 1921. [*Gazette*, 11th July.

General.

Mr. James Anstey Wild, of Warcop Hall, Warcop, Westmorland, for many years Registrar of the City of London Court, left estate of £9,197 gross value.

Mr. E. O. L. Bell, University College, Oxford (son of Mr. Edward Bell, solicitor), has passed, with distinction, the Oxford Final Science School Honours Examination. Mr. E. O. L. Bell, then Sec.-Lieut. Oliver Bell (Independent Air Force), was in 1919 mentioned in dispatches for distinguished services in France.

Mr. Arthur Alexander Banes, of The Red House, Upton-lane, Forest Gate, Essex, solicitor, formerly vestry clerk in West Ham, who died on May 10th, leaving estate of the value of £52,323, with net personalty £48,583, directs that the whole of the property is to be divided among his next-of-kin as though he had died intestate.

Mr. George Holmes Blakesley, of Lincoln's Inn, and of Abbotsmead, Kingston Hill, Surrey, formerly Gresham Professor of Law at Gresham College, E.C., and Chancellor of the Diocese of Peterborough, and for some time clerk to the Mercers' Company, who died on 21st April, eldest son of Dr. J. W. Blakesley, Dean of Lincoln, left estate of the gross value of £8,291, of which £6,924 is net personalty.

The Home Secretary has advised the commutation of the sentence of death passed upon Archibald Lionel Crockford, who was convicted of murder at the Central Criminal Court on 26th June. Crockford, whose age is 20, was found guilty of the murder of his illegitimate son, aged five months, at Camden Town. It was pleaded that he was suffering from semi-starvation and worry, and the jury recommended him to mercy.

Mr. Charles Goddard, of Kensington Park-gardens, W., senior partner in the firm of Messrs. Peacock & Goddard, solicitors, of South-square, Gray's Inn, for some years a member of the Council of the Law Society, who died on 27th May, has left a fortune of £59,515. Besides bequests to members of his family he directed the executors to purchase six dozen of first-class vintage port wine and to have same delivered within six months of his death to my very good friend and partner, Walter Mantell Woodhouse, in the hope that in consuming it he may often be reminded of the cordial relations that have existed between us for so many years. He also left £100 each to his clerks, John James Rennie and Frederick John Amery; £50 each to his clerks, Henry George Stockwell and Percy Ernest Perry; £20 each to other clerks who have been in his firm for fifteen years; £10 each to those of eight years; £10 to Mrs. Sudbury, the office housekeeper, and legacies to domestic servants.

Mr. H. S. Staveley-Hill, Recorder, at Banbury (Oxon) Quarter Sessions, on Tuesday, bade farewell to the borough, having resigned on being appointed County Court Judge for Northamptonshire. He remarked that people said that there was nothing in numbers, but he had curious experiences connected with the number 22. He was born on the 22nd day of the month, christened on the 22nd, married on the 22nd, and his two children were born on the 22nd. He was called to the Bar on the 22nd, appointed Recorder of Banbury on the 22nd, his appointment as county court judge was dated the 22nd, and his wife reminded him that morning this year was 1922.

The Duke of Leinster, who recently drove his motor car from London to Aberdeen in an attempt to win a wager of £3,000, was summoned at Guildford on the 7th inst. for exceeding the speed limit of twenty miles an hour on the Portsmouth Road. The Duke did not attend the court, but sent a telegram asking for an adjournment in order that he might defend the case. The Bench granted a week's adjournment. The summons does not relate to the Duke's drive to Aberdeen, which has been the subject of questions in the House of Commons, when the Home Secretary promised to make inquiries.

When a man was summoned at North London Police Court on the 10th inst., says *The Times*, for non-payment of £6 9s. 4d. for gas consumed at a house during the December quarter, he denied liability, stating that he gave up possession of the premises two years ago. Mr. Summerfield, of the Gas Light and Coke Company, produced the contract signed by the defendant, by which he bound himself to pay for gas consumed on the premises "by himself or any other persons" until notice in writing had been given to the company requesting them to discontinue the supply. The defendant had given no such notice, and the accounts had been submitted in his name during the last two years and paid. The defendant said he believed he did give notice, but could not prove it. Mr. Pope: I would never sign a contract like this. Mr. Summerfield: If you refused to sign you could not get gas. The contract is in the words of the Gas Clauses Act, 1847, which applies to the whole of the gas undertakings in the country. An order for the payment of the amount claimed was made.

Court Papers.

Supreme Court, England.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court No. 1.	Mr. Justice Eve.	Mr. Justice Romer.
Monday July 17	Mr. Hicks Beach	Mr. Garrett	Mr. Hicks Beach	Mr. Bloxam
Tuesday 18	Bloxam	Synge	Bloxam	Hicks Beach
Wednesday ... 19	More	Hicks Beach	Hicks Beach	Bloxam
Thursday 20	Jolly	Bloxam	Bloxam	Hicks Beach
Friday 21	Garrett	More	Hicks Beach	Bloxam
Saturday 22	Synge	Jolly	Bloxam	Hicks Beach

Date.	Mr. Justice Sargant.	Mr. Justice Russell.	Mr. Justice Astbury.	Mr. Justice P. O. Lawrance.
Monday July 17	Mr. Jolly	Mr. More	Mr. Synge	Mr. Garrett
Tuesday 18	More	Jolly	Garrett	Synge
Wednesday ... 19	Jolly	More	Synge	Garrett
Thursday 20	More	Jolly	Garrett	Synge
Friday 21	Jolly	More	Synge	Garrett
Saturday 22	More	Jolly	Garrett	Synge

Winding-up Notices.

JOINT STOCK COMPANIES.
LIMITED IN CHANCERY.
CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY July 7.

J. W. JENNINGS & CO. LTD. July 15. Algernon O. Miles, 28, King-st., Cheapside.
THE CELYN LINE LTD. Aug. 8. John P. Griffiths, 10, Clarence-place, Cardiff.
ASSOCIATED IMPORTERS LTD. July 24. Frank H. Agar, Pinner's Hall, Austin Friars, E.C.
THE NATIONAL ELECTRIC SUPPLY CO. LTD., Aug. 10. William H. Ainsworth, 11, Winckley-st., Preston.
MONARCH CO. LTD. Aug. 1. F. Stewart Coppack, 148, Inchmery-rd., Catford.
SALMON & WELCH LTD. Aug. 21. Clement R. Miles, 20, Friar-lane, Leicester.
FANCIGOODS LTD. July 19. Frank Harrison, 10, Park-square, Leeds.

London Gazette.—TUESDAY, July 11.

EMPIRE ROLLER BEARINGS CO. LTD. Aug. 5. Smallfield, Rawlins & Co., 45, King William-st., E.C.4.
A. MITCHELSON & CO. LTD. Aug. 15. John L. Milligan, 20, Orchard-st., Bristol.
ROBERT TATTERSALL & CO. LTD. Aug. 31. John P. Duxbury, 27, Richmond-terr., Blackburn.
THE CRESCENT WATERPROOF CO. LTD. Aug. 7. Henry Steele, Guildhall Chambers, 38/40, Lloyd-st., Manchester.
THE CASTLE CARY WATER CO. LTD. July 29. C. J. Blinman, Castle Cary, Somerset.
W. WALLBANK & CO. LTD. Aug. 15. Harry Ramsbottom, Exchange-bldgs., Ellen-st., Nelson.
THE MOTORISTS' CO-OPERATIVE SOCIETY (ABERDEEN) LTD. July 19. H. Scott & Gilchrist, Agents for the Liquidators, 1, Diamond-st., Aberdeen.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, July 7.

W. E. & E. P. Summers Ltd.
Prunells Ltd.
Super Cinemas (Wellingb rough) Ltd.
Haswell & Shotton Water Co. Ltd.
Waingap Collieries Ltd.
The "Medical Times" Publishing Co. Ltd.
J. R. Cave Ltd.
O. B. Equipments Ltd.
The Consolidated Rubber and Balata Estates Ltd.
Manchester and Liverpool Trading Co. Ltd.
Holborn Cinema Ltd.
John Robinson & Co. (Skelmersdale) Ltd.
Lyons, Franks & Co. Ltd.
W. Mansfield & Co. Ltd.
Eclipse Cutting Compound Co. Ltd.
H. A. Pierpoint Ltd.
Moore Bros. (Halifax) Ltd.
Miner va Motors Ltd.

London Gazette.—TUESDAY, July 11.

Palpag Ltd.
Bennett Press Ltd.
Godalming Recreation Club Co. Ltd.
James Philip & Co. Ltd.
James Potter & Co. Ltd.
T. Brooks Ltd.
Melvin Engineering Co. Ltd.
The Wear Transport Co. Ltd.
The General Bus Co. Ltd.
Property Agency & Investment Co. Ltd.
Dealers Ltd.
The Leeds III. Citadel Co. Ltd.
A. Lev & Co. Ltd.
P. Marcotty & Co. Ltd.
Church, Ashby & Co. Ltd.
Ilkeston Brick Co. Ltd.
Albert Lee & Co. Ltd.
The Micrometer Engineering Co. Ltd.
Nicholson Bros. Ltd.
Pallium Productions Ltd.
Special Film Service Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, July 7.

ALLEN, ARTHUR W., Hevingham, Norfolk, Fowl Dealer. Norwich. Pet. July 5. Ord. July 5.
ALLEN & HARRIS, 3, Argyll-st., Oxford-circus, Wholesale Dealers in Costumes and Mantles. High Court. Pet. June 24. Ord. July 4.
ANSELEM, ALFRED, 89, Avenue-rd., N.W.8. High Court. Pet. May 25. Ord. July 4.
ASHLEY, JOSHUA A. S., Crewe, Hairdresser and Tobacconist. Nantwich. Pet. July 5. Ord. July 5.
BEARD, THOMAS F., Talbach, Port Talbot, Refreshment House Keeper. Neath. Pet. July 5. Ord. July 5.
BEERBOHM, CLAUD H., Jermyn-st., Actor. High Court. Pet. May 1. Ord. July 4.
BISHOP, GLADYS, Doncaster, Draper. Sheffield. Pet. June 8. Ord. July 3.
BOOTHMAN, LEONARD, Rochdale. Manchester. Pet. July 5. Ord. July 5.
BRANDES, SIMON, Birmingham, Diamond Cutter and Polisher. Birmingham. Pet. July 5. Ord. July 5.
BRICK, THOMAS, Highley, Salop, Farmer and Haulier. Shrewsbury. Pet. July 1. Ord. July 1.
BURNELL, WILFRED, Selby, Yorks., Hay, Corn and Produce Merchant. York. Pet. July 3. Ord. July 3.
CHILD, WILLIAM D., Goole, Potato Merchant and Commission Agent. Wakefield. Pet. July 4. Ord. July 4.
DAVIES, ALBERT, Coventry, Draper. Coventry. Pet. July 3. Ord. July 3.
DAY, ERNEST A., Bedworth, Warwick, Baker and Confectioner. Coventry. Pet. July 3. Ord. July 3.
DE MARNEY, EDWARD, Clifford's-inn, Publisher. High Court. Pet. May 25. Ord. July 4.
DE MAKROFF, GEORGE, Queen's-gate, W. High Court. Pet. April 10. Ord. July 4.
DOWNING, ALFRED E., Heeley, Sheffield, Grocer. Sheffield. Pet. July 4. Ord. July 4.
DUCKER, DAVID, Madron, Cornwall. Truro. Pet. July 3. Ord. July 3.
EGGERT, ALEXANDER, North Wembley, Turf Commission Agent. St. Albans. Pet. June 20. Ord. July 5.
ELIAS, DAVID, Resolven, Glam., Grocer and Collier. Neath. Pet. July 3. Ord. July 3.
FORD, ROBERT M., Park-row, Albert Gate. High Court. Pet. June 7. Ord. July 4.
FRITH, CYRIL A., Stanton-under-Bardon, Coal Carter. Leicester. Pet. July 4. Ord. July 4.
GRIFFIN, JOHN C., Jermyn-court Hotel, Piccadilly-circus, Managing Director of a Limited Company. High Court. Pet. April 12. Ord. July 5.
HARRY, RICHARD, Bridgend, Glam, Lime and Manure Merchant. Cardiff. Pet. July 3. Ord. July 3.
HASLAM, HOWARD J., Chapeltown, nr. Sheffield, Manager. Barnsley. Pet. July 5. Ord. July 5.
HATTON, GEORGE, Wimbledon, Corn Chandler. Kingston (Surrey). Pet. July 5. Ord. July 5.
HOPEWELL, ERNEST, Leicester, Printers and Paper Merchants. Leicester. Pet. June 14. Ord. July 3.
HOPKINS, GEORGE T., Penshaw, Durham, Joiner. Durham. Pet. June 16. Ord. July 4.
HORNBY, CHRISTOPHER, Aspal, Suffolk, Farmer. Bury St. Edmunds. Pet. June 19. Ord. June 30.
INGHAM, WILLIAM, Beeston, Notts, Accountant. Nottingham. Pet. June 19. Ord. July 3.
JAMES, EVAN W., Mountain Ash, Glam, Dispensing Chemist and Druggist. Aberdare. Pet. July 3. Ord. July 3.
KAY, LOUIS, Manchester, Wholesale Jeweller. Manchester. Pet. July 4. Ord. July 4.
KLEYN, GABRIEL, Nottingham, Tailor. Nottingham. Pet. June 21. Ord. July 3.
KRENTZ, GLADYS, Charing Cross-rd. High Court. Pet. May 31. Ord. July 5.
LACK, FREDERICK W., Hammersmith, School Teacher. High Court. Pet. June 20. Ord. July 5.
LEIBSON, LEWIS, Leman-st., Aldgate, Woollen Merchant. High Court. Pet. July 3. Ord. July 3.
LEVENE, BERTHA, 2 Warwick-mansions, Warwick-ct., Blouse and Gown Manufacturer. High Court. Pet. May 11. Ord. July 5.
LORTON, GEOFFREY O., Bournemouth, Boarding House Proprietor. Poole. Pet. July 3. Ord. July 3.
MARSH, JOHN D., Cwmfelinfach, Mon., Clothier and Outfitter. Newport (Mon.). Pet July 4. Ord. July 4.
MAYHEW, WILLIAM F., Albemarle-st. High Court. Pet. Sept. 2. Ord. July. 5
MCCRIRIE, George Widnes, Fishmonger. Liverpool. Pet. May 19. Ord. July 4.
MORLEY, S. C., Surrey Commercial Docks. High Court. Pet. June 7. Ord. July 5.
MOSER, HYMAN, Bethnal Green, Grocer. High Court. Pet. July 4. Ord. July 4.
OLLEY, HARRY H., Bloomsbury-sq., Solicitor. High Court. Pet. May 27. Ord. July 5.
PRATT, HAROLD D., Barbican, Blouse, Robe and Feather Manufacturer. High Court. Pet. July 5. Ord. July 5.
PRESTON, RICHARD, Bilston, Wholesale and Retail Clog Manufacturer. Wolverhampton. Pet. July 4. Ord. July 4.
ROBERTS, D., & Co., Tottenham, Toy Merchants. Edmonton. Pet. June 14. Ord. July 5.
ROEBUCK, WILLIAM, Wombwell, Yorks, Innkeeper. Barnsley. Pet. July 5. Ord. July 5.
ROWE, EDWARD G., Tonypandy, Electrical Engineer. Pontypridd. Pet. July 3. Ord. July 3.
SHARP, WILLIAM H., Goole, Labourer, Wakefield. Pet. July 5. Ord. July 5.
SHEARMAN, JOHN, Mexborough, Yorks, Grocer and General Dealer. Sheffield. Pet. July 3. Ord. July 3.
SPRINGER, ROBERT, Manchester, Electrical Engineer and Contractor. Manchester. Pet. June 15. Ord. July 5.
THOMAS, WALTER, Taunton, General Dealer. Taunton. Pet. July 3. Ord. July 3.
TOMKIES, CHARLES T., Coalpit Heath, nr. Bristol, Licensed Victualler. Bristol. Pet. July 3. Ord. July 3.
UDY, RHODA HELEN, Bodmin, Cornwall, Refreshment House Keeper. Truro. Pet. July 3. Ord. July 3.
WARBURTON, ALFRED, Shifnal, Salop, Coal Merchant and Haulage Contractor. Shrewsbury. Pet. July 4. Ord. July 4.
WHITE, ERNEST F., Newport, Mon., Carpenter. Newport (Mon.). Pet. July 3. Ord. July 3.
WILSON, THOMAS, Kingston-upon-Hull, Butcher. Kingston-upon-Hull. Pet. July 3. Ord. July 3.

London Gazette.—TUESDAY, July 11.

BARKER, ARTHUR A., Hastings, Schoolmaster. Hastings. Pet. June 15. Ord. July 6.
BAUMBER, CHARLES W. M., Lincoln, Harness Maker. Boston. Pet. July 8. Ord. July 8.
BERMAN, JOHN L., His Majesty's Prison, Parkhurst. Newport. Pet. June 16. Ord. July 8.
BODEN, EDWARD H. S., Exeter, Timber Agent. Exeter. Pet. July 6. Ord. July 6.
BRIMACOMBE, VINCENT, Harlow, Farmer. Hertford. Pet. June 12. Ord. July 7.
CASHMORE, GEORGE, Sheffield, Travelling Showman. Sheffield Pet. July 6. Ord. July 6.
CLARK, GEORGE, Lincoln, Baker. Lincoln. Pet. June 14. Ord. July 6.
COURTMAN, JAMES, Wisbech, Builder. King's Lynn. Pet. July 7. Ord. July 7.
CROKER, JOHN H., Fleur-de-Lys, Mon., Baker. Tredegar. Pet. July 4. Ord. July 4.
DENNIS, SIMON, DENNIS, IVOR, and DENNIS, SIDNEY, Bristol, Tailors. Bristol. Pet. June 22. Ord. July 5.
DOBSON, WILLIAM J., Gillingham, Kent, Builder. Rochester. Pet. July 6. Ord. July 6.
FARLEY, JOHN, Kidderminster, Contractor. Kidderminster. Pet. July 4. Ord. July 4.
GIBBS, ROBERT, Jun., Clacton-on-Sea, Builder. Colchester. Pet. June 19. Ord. July 5.
GREENBERG, MORIS, Hunton-court, Spitalfields, Capmaker. High Court. Pet. July 6. Ord. July 6.
GRIFFIN, G. J., Fulham, Commission Agent. High Court. Pet. May 30. Ord. July 5.
HALLETT, BERTIE, Queen Victoria-st., Merchant. High Court. Pet. Oct. 28. Ord. July 5.
HARVEY, WILLIAM A., Birmingham, Baker, Confectioner and Grocer. Birmingham. Pet. July 6. Ord. July 6.
HILLS, ERNEST, Hanley Castle, Worcestershire, Fruit and Flower Grower. Worcester. Pet. July 4. Ord. July 4.
HOLLAND, THOMAS H., Nottingham, Furniture Dealer. Nottingham. Pet. July 6. Ord. July 6.
KNOWLES, ERNEST, Blackburn. Blackburn. Pet. June 22. Ord. July 7.
LANGDON, THOMAS, Milton, Southsea, Proprietor of Entertainment Hall. Portsmouth. Pet. June 14. Ord. July 4.
MARSH, ERNEST M., Tonbridge, Tobacconist and Confectioner. Tunbridge Wells. Pet. July 7. Ord. July 7.
MARTIN, ROLFE G., Liverpool, Schoolmaster. Liverpool. Pet. July 6. Ord. July 6.
MEADWAY, LESLIE J., Ludgate-circus. High Court. Pet. May 16. Ord. June 14.
MOULE, THOMAS, Coliville-terr., Bayswater. High Court. Pet. May 24. Ord. July 5.
OWEN, THOMAS, Wattstown, Glam., Colliery Haulier. Pontypridd. Pet. July 7. Ord. July 7.
PARKINSON, MARTHA J., Batley, Drysalter. Dewsbury. Pet. July 7. Ord. July 7.
PLATT, HERBERT, Bradford, Joiner. Bradford. Pet. July 8. Ord. July 8.
PRAGER, JACOB, His Majesty's Prison, Parkhurst. Newport. Pet. June 16. Ord. July 8.
RANDALL, GEORGE E., Uxbridge. Windsor. Pet. May 18. Ord. July 6.
SHAPTO, CUTHBERT, the Younger, Tottenham, Plumber. Edmonton. Pet. July 8. Ord. July 8.
SPARKS, HENRY, Tooting, Builder. Wandsworth. Pet. July 7. Ord. July 7.
SWANN & CLARKE, Princes-st., Hanover-sq., Outfitters. High Court. Pet. June 9. Ord. July 6.
SWANN, JOHN J., 14 Princes-st., Hanover-sq., Hosier. High Court. Pet. June 8. Ord. July 6.
TATE, JOHN, Dewsbury, Firelighter Manufacturer. Dewsbury. June 22. Ord. July 6.
WALLER, E. LEWIS, St. Martin's-lane. Actor Manager. High Court. Pet. March 13. Ord. July 6.
WALLER, HARRY F., Upper-st., Islington, Ladies' Costumier. High Court. Pet. July 6. Ord. July 7.
WILLIAMS, CLARA E., Pengam, Mon., Greengrocer. Tredegar. Pet. July 3. Ord. July 3.
WILSON, CHARLES A., STAPLES, EDWIN D., and BASTICK, HENRY, Southend-on-Sea, Cabinet Makers. Chelmsford. Pet. July 6. Ord. July 6.
WOODWARD, HARRY, Treherbert, Newsagent and Colliery Pumpsman. Pontypridd. Pet. July 8. Ord. July 8.

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